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PTO/SB/420 (11-10)

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: 81186463

Application Number
(if known): 12561522

Filing date: September 17, 2009

First Named
Inventor: Alireza Pezhman Shirvanian

Title: FUEL CELL WITH CATALYST LAYER SUPPORTED ON FLOW FIELD PLATE

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Benjamin C. Stasa/

Date 2011-03-08

Name
(Print/Typed) Benjamin C. Stasa

Registration Number 55644

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

☐ *Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program
(Not to be Submitted to the USPTO)**

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,522	09/17/2009	Alireza Pezhman Shirvanian	81186463	2494
28395 7590 03/28/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER DAVIS, PATRICIA A	
			ART UNIT 1729	PAPER NUMBER
			MAIL DATE 03/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Shirvanian.	:	DECISION ON PETITION
Application No. 12/561,522	:	TO MAKE SPECIAL UNDER
Filed: 9/17/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81186463	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Michael L. Diaz
Michael L. Diaz, P.C.
Suite 200
555 Republic Drive
Plano TX 75074

MAILED
APR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Thomas Manaugh	:	
Application No.: 12/561559	:	DECISION ON
Filing or 371(c) Date: 09/17/2009	:	PETITION
Attorney Docket Number:	:	
5246-0002	:	

This is a decision in response to the petition to withdraw the holding of abandonment under 37 CFR 1.53(f) or (g), filed February 15, 2011. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009. The Notice set a two (2) month period for reply. Petitioner filed a reply to the Notice to File Missing Parts of Nonprovisional Application on November 17, 2009; however, the reply was incomplete. Petitioner was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed December 10, 2009. No complete and proper reply having been received, the application became abandoned on December 8, 2009. A Notice of Abandonment was mailed September 28, 2010.

The present petition

Petitioner files the present petition and provides that he never received the Notice of Incomplete Reply (Nonprovisional), mailed December 10, 2009. Petitioner avers that the next Notice received was a Notice to File Corrected Application Papers, dated September 24, 20[10], stating that Figure 1 was still missing. Petitioner provides further that Petitioner received a "Letter Regarding a New Notice and/or the Status of the Application" also dated September 24, 2010, stating that "If a new notice or Filing Receipt is enclosed, applicant may disregard the previous

notice mailed on October 7, 2009. The time period for replies runs from the mail date of the new notice.”

Petitioner provides that in addition to the Letter Regarding a New Notice and/or the Status of the Application” dated September 24, 2010, Petitioner received a second “Letter Regarding a New Notice and/or the Status of the Application” also dated September 24, 2010, but which stated that “If a new notice or Filing Receipt is enclosed, applicant may disregard the previous notice mailed on December 10, 2009.

Petitioner provides that a reply to the Notice to File Corrected Application Papers, mailed September 24, 2010, was filed on February 15, 2011¹.

Applicable Law, Rules and MPEP

35 U.S.C. § 133, Time for prosecuting application, states

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

- (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
- (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
- (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

¹ Office records confirm that a three (3) month extension of time and fee were filed February 15, 2011, along with a Replacement Drawing Sheet in response to the Notice to File Corrected Application Papers mailed September 24, 2010.

Analysis

Petitioner is advised an application becomes abandoned according to statute and Office rules. In this instance, Applicant was required to file a complete and proper reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009. Applicant filed a timely reply on November 17, 2009; however, the reply was not a complete reply.

Petitioner avers that the next Notice received was a Notice to File Corrected Application Papers, dated September 24, 20[10], stating that Figure 1 was still missing. Petitioner provides further that Petitioner received two Letters Regarding a New Notice and/or the Status of the Application, also dated September 24, 2010, stating that if a new notice or Filing Receipt is enclosed, applicant may disregard the previous notices mailed on October 7, 2009 and on December 10, 2009. The time period for replies runs from the mail date of the new notice."

Petitioner is advised that it is an Applicant's responsibility to file a complete and proper reply as the condition of the application requires. In this instance, the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009, required replacement drawing(s). Applicant does not aver that replacement drawing(s) were timely filed in response to the Notice. The application became abandoned because Applicant failed to file a complete and proper reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009.

The mailing of the Notice to File Corrected Application Papers and Letters Regarding a New Notice and/or the Status of the Application" dated September 24, 2010, more than 11 months after the mailing of the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009, and well after the application had become abandoned for failing to file a complete and proper reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009, does not negate the failure of Applicant to file a complete and proper, including timely, reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009.

Conclusion

In view of the foregoing, Applicant has failed to demonstrate that a complete and proper reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009, was timely filed, and that withdrawal of the holding of abandonment is appropriate.

Alternate Venue

Applicant is strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a

statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Michael L. Diaz
Michael L. Diaz, P.C.
Suite 200
555 Republic Drive
Plano TX 75074

MAILED

JUL 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas Manaugh	:	
Application No.: 12/561559	:	DECISION ON
Filing or 371(c) Date: 09/17/2009	:	PETITION
Attorney Docket Number:	:	
5246-0002	:	

This is a decision in response to the petition to revive the application based upon unintentional abandonment under 37 CFR 1.137(b), filed May 26, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 7, 2009. The Notice set a two (2) month period for reply. Petitioner filed a reply to the Notice to File Missing Parts of Nonprovisional Application on November 17, 2009; however, the reply was incomplete. Petitioner was so notified in a Notice of Incomplete Reply (Nonprovisional), mailed December 10, 2009. No complete and proper reply having been received, the application became abandoned on December 8, 2009. A Notice of Abandonment was mailed September 28, 2010.

Applicant files the present request for reconsideration of petition and drawings in response to the Notice. The request for reconsideration of petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply (filed February 15, 2011); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice, filed February 15, 2011, in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,563	09/17/2009	Takuya Nezaki	TMCT-16502/08	2562
25006	7590	12/09/2010	EXAMINER	
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C			ENGLISH, JAMES A	
PO BOX 7021			ART UNIT	PAPER NUMBER
TROY, MI 48007-7021			3616	
			MAIL DATE	DELIVERY MODE
			12/09/2010	PAPER

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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

In re application of	:	DECISION ON REQUEST TO
Takuya Nezaki	:	PARTICIPATE IN PATENT
Application No. 12/561,563	:	PROSECUTION HIGHWAY
Filed: September 17, 2009	:	PROGRAM AND PETITION
For: VEHICLE OCCUPANT RESTRAINT	:	TO MAKE SPECIAL UNDER
SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed October 19, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 12/09/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,610	09/17/2009	Masayuki HAMURA	4952-047	2638
22429 7590 09/08/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER	
			ART UNIT	PAPER NUMBER
			3656	
			MAIL DATE	DELIVERY MODE
			09/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re application of
Hamura et al
Application No. 12/561610
Filed: September, 17, 2009
For: FLUID BEARING STRUCTURE AND
METHOD OF FORMING BEARING
CONCAVES IN FLUID BEARING

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment file July 21, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 9/08/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

APR 06 2011

OFFICE OF PETITIONS

**Berenato, White & Stavish
Ste. 240
6550 Rock Spring Drive
Bethesda MD 20817**

In re Application of	:	
Shigaki HATAKEYAMA et al.	:	ON PETITION
Application No. 12/561,629	:	
Filed: September 17, 2009	:	
Atty. Docket No.: 8339.004_CIP	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 17, 2009.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition lacks item (1).

Regarding item (1), the applicable statute (35 U.S.C. §116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor S. Hatakeyama, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventor Hatakeyama. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Hatakeyama's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and /or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Hatakeyama's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to finding a refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

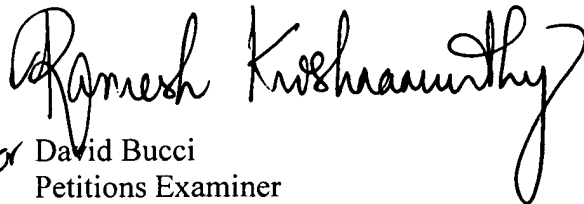
By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).


for David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Berenato, White & Stavish
Ste. 240
6550 Rock Spring Drive
Bethesda MD 20817

MAILED
AUG 04 2011
OFFICE OF PETITIONS

In re Application of :
Shigaki HATAKEYAMA et al. : ON PETITION
Application No. 12/561,629 :
Filed: September 17, 2009 :
Atty. Docket No.: 8339.004_CIP :

This is a decision on the petition under 37 CFR 1.48(a), and consideration of the renewed petition under 37 CFR 1.47(a), both filed May 25, 2011.

The petition under 37 CFR 1.48(a) is **GRANTED**.

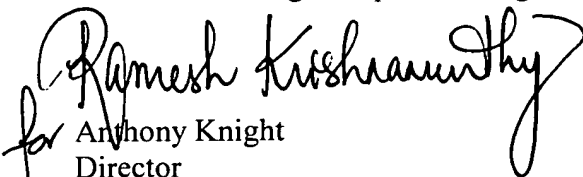
The petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

In view of the papers filed May 25, 2011, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with **37 CFR 1.48 (a)**. The inventorship of this application has been changed by removing Mr. Shigeaki Hatakeyama as an inventor to the above-identified application.

In light of Mr. S. Hatakeyama being removed as an inventor, the requirements under 37 CFR 1.47(a) are not required and this petition is dismissed as moot.

The petition under 37 CFR 1.48(b) requires a processing fee set forth in 37 CFR 1.17(i). Accordingly, \$130 will be charged to petitioners Deposit Account 50-0548.

A corrected filing receipt reflecting the inventorship as corrected, is attached hereto.


for Anthony Knight
Director
Office of Petitions

Encl. Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/561,629	09/17/2009	1767	572	8339.004_CIP	16	4

CONFIRMATION NO. 2665

CORRECTED FILING RECEIPT



OC000000049103679

28410
BERENATO & WHITE, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

Date Mailed: 08/03/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Koushi KARIYA, Tokyo, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 28410

Domestic Priority data as claimed by applicant

This application is a CIP of 11/198,321 08/08/2005 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 09/29/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/561,629**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

PROCESS FOR PRODUCING EXTINGUISHING AGENT AND THROW-TYPE FIRE
EXTINGUISHER

Preliminary Class

252

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,673	09/17/2009	Nayuko Watanabe	430.0198USU	2750
7590 08/10/2011 Charles N.J. Ruggiero, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			MAIL DATE 08/10/2011	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Eugene De Juan Jr., et al. Art Unit : 3761
Serial No. : 12/561,680 Examiner : Unknown
Filed : September 17, 2009 Conf. No. : 2760
Title : GLAUCOMA TREATMENT DEVICE

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE APPLICATION SPECIAL PURSUANT TO 37 C.F.R. §1.102

Dear Sir:

On September 17, 2009, Applicants filed the present application, U.S. Patent Application Serial No. 12/561,680, entitled "Glaucoma Treatment Device" ("the '680 application"), with an effective filing date of January 17, 2006. Applicants included a total of 46 claims in the '680 application. With a paper entitled "Notice Pursuant to 37 CFR 10.23(C)(7)" of same date, Applicants informed the Patent Office that all 46 claims of their '680 application were copied or substantially copied from claims then pending in U.S. Patent Application Serial No. 11/938,238, assigned to Glaukos Corporation ("the '238 application"). The Applicants also informed the Patent Office that their '680 application has a filing date more than six months earlier than the effective filing date of Glaukos' '238 application.

Applicants have since learned that in response to a restriction requirement, on July 12, 2010, Glaukos Corporation elected to cancel from its '238 application all of the claims (numbered 22 through 74) that Applicants had copied or substantially copied into their '680 application. As a result, the '238 application no longer has any claims pending that interfere with Applicants' own, much earlier claims.

Since Glaukos Corporation's '238 application is not prior art to Applicants' '680 application and since Glaukos Corporation elected to cancel all of the relevant claims from its

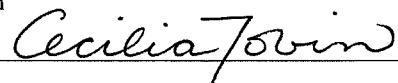
CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date indicated below in accordance with 37 CFR 1.8(a)(1)(i)(C).

January 12, 2011

Date of Transmission

Signature



Cecilia Tobin

Typed or Printed Name of Person Signing Certificate

Applicant : Eugene De Juan Jr., et al.
Application No : 12/561,680
Filing Date : September 17, 2009
Page 2 of 2

Attorney Docket No. 37528-504C01US


'238 application, Applicants now hereby request accelerated examination of the '680 application, as described below.

Applicant respectfully submits this petition to make the above-referenced patent application special on the basis Applicant expressly abandoned co-pending application serial number 12/492,085, filed June 25, 2009. Applicant herewith submits a copy of the letter of express abandonment and the accompanying statements from the co-pending application that has been expressly abandoned. The above-referenced patent application for which special status is sought and the co-pending application that has been expressly abandoned were at the time of their filing owned by or subject to assignment to Transcend Medical, Inc.

This Petition is submitted herewith a Statement. No fee is required for Applicant to file this petition.

Respectfully submitted,

Date: January 12, 2011



Fred C. Hernandez
Reg. No. 41,832

PTO Customer No. 64046

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Telephone: (858) 314-1518
Fax: (858) 314-1501
Email: fhernandez@mintz.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Eugene De Juan Jr., et al. Art Unit : 3761
Serial No. : 12/561,680 Examiner : Unknown
Filed : September 17, 2009 Conf. No. : 2760
Title : GLAUCOMA TREATMENT DEVICE

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FOR PETITION TO MAKE
APPLICATION SPECIAL UNDER 37 C.F.R. §1.102

Dear Sir:

1. This Statement is being made for the Petition to Make Application Special under 37 C.F.R. §1.102 accompanying this certification.

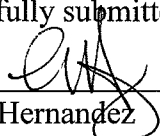
2. I, Fred C. Hernandez, certify that Applicant has not and will not file more than fourteen other applications requesting special status under this program. I also certify that Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the above-identified application are directed to two or more independent and distinct inventions under 35 U.S.C. §121 and 37 C.F.R. §§1.141-142.

3. The person making this Statement is an attorney of record in the above-captioned application and signs below on the basis of information in the attorney's file.

Please apply any charges not covered, or any credits, to Deposit Account No. 50-0311.

Respectfully submitted,

Date: January 12, 2011



Fred C. Hernandez
Reg. No. 41,832

PTO Customer No. 64046

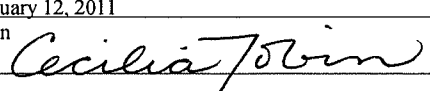
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Telephone: (858) 314-1518
Fax: (858) 314-1501
Email: fhernandez@mintz.com
5266089v.1

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date indicated below in accordance with 37 CFR 1.8(a)(1)(i)(C).

January 12, 2011
Date of Transmission

Signature



Cecilia Tobin

Typed or Printed Name of Person Signing Certificate

Electronic Acknowledgement Receipt

EFS ID:	9143886
Application Number:	12492085
International Application Number:	
Confirmation Number:	6620
Title of Invention:	DIGITAL IMAGING SYSTEM FOR EYE PROCEDURES
First Named Inventor/Applicant Name:	Thomas A. Silvestrini
Customer Number:	64046
Filer:	Fred C. Hernandez/Cecilia Tobin
Filer Authorized By:	Fred C. Hernandez
Attorney Docket Number:	37528-507001US
Receipt Date:	30-DEC-2010
Filing Date:	25-JUN-2009
Time Stamp:	17:06:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	37528-507001USExpAbndmt.pdf	125056 460c2bbb27a7aac538670dc257fa88321dbc25f	no	3

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Doc Code: EABN

Document Description: Letter Express Abandonment of the application

PTO/SB/24 (10-08)

Approved for use through 10/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

File the petition electronically using EFS-Web

Or Mail the petition to:

Mail Stop Express Abandonment

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	12/492,085
Filing Date	June 25, 2009
First Named Inventor	Thomas A. Silvestrini
Art Unit	2873
Examiner Name	Sahle, Mahidere S.
Attorney Docket Number	37528-507001US

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

- I am the: ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Attorney or agent registration number is 41,832
- ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____.


Signature

December 30, 2010

Date

Fred C. Hernandez

Typed or printed name

(858) 314-1518

Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas A. Silvestrini *et al.* Art Unit : 2873
Serial No. : 12/492,085 Examiner : Mahidere S. Sahle
Filed : June 25, 2009 Conf. No. : 6620
Title : DIGITAL IMAGING SYSTEM FOR EYE PROCEDURES

Mail Stop Express Abandonment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FOR EXPRESS ABANDONMENT UNDER 37 C.F.R. §1.138(a)

Dear Sir:

1. This Statement is being made for the Petition for Express Abandonment under 37 C.F.R. 1.138(a) accompanying this certification.
2. I, Fred C. Hernandez, certify that Applicant has not and will not file an application that claims the benefit of the above-identified expressly abandoned application under any provision of Title 35 of the United States Code.
3. I, Fred C. Hernandez, certify that Applicant will not request a refund of any fees paid in the above-identified expressly abandoned application.
4. I, Fred C. Hernandez, certify that Applicant has not and will not file a new application that claims the same invention in the context of statutory double patenting under Title 35 of the United States Code 101 claimed in the expressly abandoned application.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date indicated below in accordance with 37 CFR 1.8(a)(1)(i)(C).

December 30, 2010

Date of Transmission

Signature

Cecilia Tobin

Typed or Printed Name of Person Signing Certificate

Applicants : Thomas A. Silvestrini, *et al.*
Serial No. : 12/492,085
Filed : June 25, 2009
Page : 2 of 2

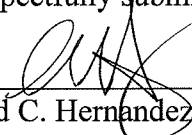
Attorney's Docket No.: 37528-507001US

5. The person making this Statement is an attorney of record in the above-captioned application and signs below on the basis of information in the attorney's file.

Please apply any charges not covered, or any credits, to Deposit Account No. 50-0311.

Date: December 30, 2010

Respectfully submitted,



Fred C. Hernandez
Reg. No. 41,832

PTO Customer No. 64046

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Telephone: (858) 314-1518
Fax: (858) 314-1501
Email: fhernandez@mintz.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

JAN 21 2011

In re Application of	:	OFFICE OF PETITIONS
JUAN, et al.	:	DECISION ON PETITION
Application No. 12/561,680	:	TO MAKE SPECIAL
Filed: September 17, 2009	:	37 CFR 1.102
Attorney Docket No. 37528-504C01US	:	

This is a decision on the petition under 37 CFR 1.102, filed January 12, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

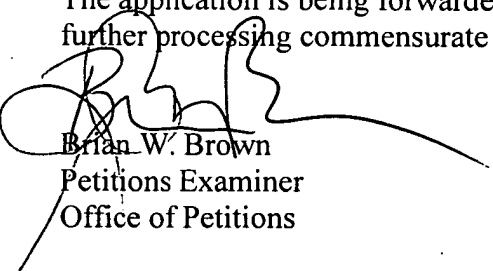
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: 81183217

Application Number
(if known): 12561702

Filing date: September 17, 2009

First Named
Inventor: John Eric Rollinger

Title: INFERRED OIL RESPONSIVENESS USING PRESSURE SENSOR PULSES

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David S. Bir/

Date 03-03-2011

Name
(Print/Typed) David S. Bir

Registration Number 38383

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

☐ *Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN ERIC ROLLINGER

Serial No.: 12/561,702

Filed: September 17, 2009

For: INFERRED OIL RESPONSIVENESS USING PRESSURE
SENSOR PULSES

Group Art Unit: 3747

Examiner: John Kwon

Attorney Docket No.: 81183217

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, internal combustion engine applications may include hydraulic actuators for a variable cam timing device, or a valve deactivation system, such as used in variable displacement engines, for example. Hydraulic actuation systems have a response that varies not only with oil pressure, but also with how fast oil pressure can change in response to a command. Fluid viscosity of the oil is a significant factor in the ability to raise or lower oil

pressure. To improve control and diagnostics of hydraulic actuators, it is desirable to have a real-time strategy for robustly detecting the effective responsiveness or inferred viscosity of the oil under various system and ambient operating conditions.

The claimed invention as claimed in claims 4 and 5, for example, is directed to improving control of a variable cam timing device and an engine valve deactivation device for reduced displacement mode engines. Fuel economy for a multi-cylinder internal combustion engine can be improved by deactivating some of the engine cylinders under certain operating conditions. Reducing the number of operating cylinders reduces the effective displacement of the engine such that it is sometimes referred to as a variable displacement engine. Depending upon the particular configuration of the variable displacement engine, one or more cylinders may be selectively deactivated to improve fuel economy under light load conditions, for example. In some engine configurations, a group of cylinders, which may be an entire bank of cylinders, is selectively deactivated. Cylinder deactivation may include deactivation of intake valves, exhaust valves, or both depending upon the particular application and engine technology. Various techniques have been developed for activating and deactivating intake and/or exhaust valves that rely on mechanical, hydraulic, electric/electronic or combination devices to implement valve deactivation in response to a command signal from an engine controller.

As expected, reduced displacement mode operation has demonstrated improved fuel economy in a number of applications, with a corresponding reduction of greenhouse gas feedgas emissions.

Because the claimed invention is directed to systems and methods for improving control of a reduced displacement mode engine or valve deactivation system, for example, the claimed invention materially contributes to conservation of energy resources and/or the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20)

total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

JOHN ERIC ROLLINGER

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: March 3, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,702	09/17/2009	John Eric Rollinger	81183217	2797
28395 7590 03/16/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER KWON, JOHN	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 03/16/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
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In re Application of	:	
ROLLINGER, JOHN ERIC et al	:	DECISION ON PETITION
Application No. 12/561,702	:	TO MAKE SPECIAL UNDER
Filed: Sep. 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81183217	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed computer floppy disk with software instructions will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN ERIC ROLLINGER

Serial No.: 12/561,702

Filed: September 17, 2009

For: INFERRED OIL RESPONSIVENESS USING PRESSURE
SENSOR PULSES

Attorney Docket No.: 81183217

Group Art Unit: 3747

Examiner: John Kwon

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION
FOR THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 16, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 4, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 4, 2011. The decision stated that it was not clear how the claimed invention meets the requirements particularly with respect to the "computer readable media" claims. As discussed with Examiner Yuen, while Applicant does not agree that these claims are ineligible, the claims have been canceled without prejudice in a concurrently filed preliminary amendment.

As explained in the statement filed with the petition on March 4, 2011, the claimed invention is eligible "Green Technology Pilot Program" as materially contributing to the more

efficient utilization and conservation of energy resources as well as the reduction of greenhouse gas emissions.

The claimed invention is directed to improving control of hydraulically actuated fuel saving devices, such as a variable cam timing device or a valve deactivation device, for example. In particular, the invention is directed to determining oil responsiveness and controlling the engine in response as recited in claims 1 and 11, for example. As previously explained, while not limited to variable cam timing devices or valve deactivation devices, the claimed invention improves control of a variable cam timing device (as claimed in claim 4), which contributes to the more efficient utilization and conservation of energy resources by improving fuel economy. In addition, improved fuel economy reduces greenhouse gas emissions. Similarly, the invention as claimed in claim 11 is directed to determining oil responsiveness and controlling a hydraulic actuator (such as a variable cam timing device as claimed in claim 15 or a valve deactivation device as claimed in claim 16) in response

As explained in the specification, internal combustion engine applications may include hydraulic actuators for a variable cam timing device, or a valve deactivation system, such as used in variable displacement engines, for example. Hydraulic actuation systems have a response that varies not only with oil pressure, but also with how fast oil pressure can change in response to a command. Fluid viscosity of the oil is a significant factor in the ability to raise or lower oil pressure. To improve control and diagnostics of hydraulic actuators, it is desirable to have a real-time strategy for robustly detecting the effective responsiveness or inferred viscosity of the oil under various system and ambient operating conditions.

The claimed invention as claimed in claims 4 and 5, for example, is directed to improving control of a variable cam timing device and an engine valve deactivation device for reduced displacement mode engines. Fuel economy for a multi-cylinder internal combustion engine can be improved by deactivating some of the engine cylinders under certain operating conditions. Reducing the number of operating cylinders reduces the effective displacement of the engine such that it is sometimes referred to as a variable displacement engine. Depending upon the particular configuration of the variable displacement engine, one or more cylinders may be

selectively deactivated to improve fuel economy under light load conditions, for example. In some engine configurations, a group of cylinders, which may be an entire bank of cylinders, is selectively deactivated. Cylinder deactivation may include deactivation of intake valves, exhaust valves, or both depending upon the particular application and engine technology. Various techniques have been developed for activating and deactivating intake and/or exhaust valves that rely on mechanical, hydraulic, electric/electronic or combination devices to implement valve deactivation in response to a command signal from an engine controller.

As expected, reduced displacement mode operation has demonstrated improved fuel economy in a number of applications, with a corresponding reduction of greenhouse gas feedgas emissions.

Because the claimed invention is directed to systems and methods for improving control of a reduced displacement mode engine or valve deactivation system, for example, the claimed invention materially contributes to conservation of energy resources and/or the reduction of greenhouse gas emissions.

As described above, the claimed invention is directed to improving control of hydraulically actuated devices including valve deactivation systems for variable displacement engines, and variable cam timing devices, for example, to improve fuel economy and reduce greenhouse gas emissions.

While Applicant disagrees with the Examiner's position with respect to the "computer readable storage medium" claims, these claims have been canceled without prejudice to obviate the only deficiency identified in the decision dismissing the petition. As such, Applicant respectfully requests reconsideration of the decision and granting of the petition.

No additional fee is believed to be due. However, please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

JOHN ERIC ROLLINGER

By: /David S. Bir/

David S. Bir

Reg. No. 38383

Attorney for Applicant

Date: April 4, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,702	09/17/2009	John Eric Rollinger	81183217	2797
28395 7590 04/27/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
			EXAMINER KWON, JOHN	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 04/27/2011	DELIVERY MODE PAPER

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In re Application of	:	
ROLLINGER, JOHN ERIC et al	:	DECISION ON PETITION
Application No. 12/561,702	:	TO MAKE SPECIAL UNDER
Filed: Sep. 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81183217	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 5, 2011 make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120320

DATE : March 20, 2012

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 8,081,651

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Rafael Pérez-Gutiérrez/ **Art Unit 2617**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,732	09/17/2009	Gang Lu	13674-313	2854
7590 01/10/2011				
Huawei/BHGL P.O. Box 10395 Chicago, IL 60610				
EXAMINER YAO, KWANG BIN				
ART UNIT		PAPER NUMBER		
2473				
MAIL DATE		DELIVERY MODE		
01/10/2011		PAPER		

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi James
Patent Publication Branch
Office of Data Management

ADJUSTMENT DATES: 01/12/2011 APPROVED
09/18/2009 INTERVIEW REQUEST: 04-01-09 RECEIVED
02 FEB 2011 543.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,760	09/17/2009	Mingqian He	SP04-097B	2914
22928 7590 09/24/2010 CORNING INCORPORATED SP-TI-3-1 CORNING, NY 14831			EXAMINER FANG, SHANE	
			ART UNIT 1796	PAPER NUMBER
			NOTIFICATION DATE 09/24/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usdocket@corning.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 24 2010

wk

Mailed:

In re application of

He et al.

Serial No. 12/561,760

Filed: 09/17/2009

For: FUSED THIOPHENES, METHODS FOR
MAKING FUSED THIOPHENES, AND USES
THEREOF

:
:
: DECISION ON
: PETITION
:

This is a decision on a PETITION filed August 27, 2010, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that Exhibit A filed August 27, 2010 be expunged.

The petition is **GRANTED**.

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/561,760

The images will be removed from the Official file.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Kevin M. Able
CORNINGINCORPORATED
SP-TI-3-1
CORNING NY 14831



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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,810	09/17/2009	Yoshitaka Suzuki	1924.86821	3003
7590 04/28/2011 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER NGUYEN, HOA T	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			04/28/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/13/11

TO SPE OF : ART UNIT 3714

SUBJECT : Request for Certificate of Correction for Appl. No.: 12561871 Patent No.: 7931528

CofC mailroom date: 06/07/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

[Redacted Address Line]

Note: Should Claims be
Approved?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments: Yes, approved

/David L Lewis/

3714

SPE

Art Unit

O2-0663
12/561,888

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUO, Ching-Chuan et al.	Examiner:	
Serial No.:	12/561,888	Group Art Unit:	2838
Filed:	9/17/2009	Docket:	O2-0663
Confirmation No.:	3141		
Title:	SYSTEMS AND METHODS FOR DRIVING A LIGHT SOURCE		

**STATEMENT OF SPECIAL STATUS FOR PETITION TO MAKE
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

BASIS FOR SPECIAL STATUS

Special status under the Green Technology Pilot program is sought because the claimed subject matter of this Application materially contributes to the more efficient utilization and conservation of energy resources. Further, the claimed subject matter of this Application materially enhances the quality of the environment through energy conservation.

HOW THE MATERIALITY STANDARD IS MET

The claimed subject matter of this Application is directed to circuit, controller, and system for driving/regulating brightness of light sources such as light emitting diodes (LEDs). The circuit, controller, and system materially improve the power factor

(or power input vs. power output) and materially extend the life time (or mean time between failures) of light sources such as LEDs compared to existing LED technology and compared to non-LED technology. Additionally, the claimed subject matter may be employed in industrial equipment, commercial equipment, and household appliances to materially contribute to the more efficient utilization and conservation of energy resources.

An example of a household appliance is a display system. In a display system, one or more light sources are driven by a driving circuit for illuminating a display panel. For example, in a liquid crystal display (LCD) display system with light emitting diode (LED) backlight, an LED array is used for illuminating an LCD panel. The claimed subject matter may be employed herein to drive the LED array to emit light.

LEDs have a multitude of environmental advantages. Unlike incandescent and fluorescent bulbs, an LED light source does not utilize a filament or any type of luminary gas. LEDs contain no harmful chemicals such as mercury which is found in fluorescent lights. LEDs are manufactured from materials that can be fully recycled. Most energy used by the LED is converted into light, not heat. Traditional lighting is relatively inefficient due to the large amounts of heat generated in the production of light. Moreover, LEDs have a longer lifespan.

O2-0663
12/561,888

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

MURABITO HAO & BARNES LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
71271

Respectfully submitted,

Date: 10/22/2010

By: /James P. Hao/
James P. Hao
Reg. No. 36,398

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: O2-0663	Application Number (if known): 12/561,888	Filing date: 09/17/2009
--	--	--------------------------------

First Named Inventor: **Ching-Chuan KUO**

Title: **Systems and Methods for Driving a Light Source**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature **/James P. Hao/**

Date **10/22/2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,888	09/17/2009	Ching-Chuan KUO	02-0663	3141
71271 7590 11/08/2010 PATENT PROSECUTION O2MIRCO, INC. 3118 PATRICK HENRY DRIVE SANTA CLARA, CA 95054				
EXAMINER				
ART UNIT			PAPER NUMBER	
2821				
MAIL DATE			DELIVERY MODE	
11/08/2010			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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PATENT PROSECUTION
O2MIRCO, INC.
3118 PATRICK HENRY DRIVE
SANTA CLARA CA 95054

In re Application of	:	
KUO et al.	:	DECISION ON PETITION
Application No. 12/561,888	:	TO MAKE SPECIAL UNDER
Filed: September 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. O2-0663	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

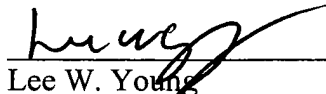
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J. ANDREW LOWES
HAYNES AND BOONE, LLP
SUITE 700
2323 VICTORY AVE.
DALLAS, TX 75219

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of
SANJAY JAIN ET AL.
Application No. 12/561,902
Filed: September 176, 2009
Attorney Docket No. **10587.0730-00000**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 20, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 27683 has been revoked by the assignee of the patent application on February 10, 2011. Therefore, petitioner no longer has power in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/561,916	09/17/2009	Robert W. Hoopes	0914-1767	3203
32905 7590 01/27/2012 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			01/27/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 27 2012

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of: :
 Robert W. Hoopes :
 Serial No.: 12/561,916 : PETITION DECISION
 Filed: September 17, 2009 :
 Attorney Docket No.: 0914-1767 :

This is in response to the petition under 37 CFR § 1.59(b), filed January 17, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 17, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of	:
Richardson et al.	:
Application No. 12/561,953	: DECISION ON PETITIONS
Filed: September 17, 2009	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 090088	:

This is a decision on the petition, filed January 12, 2012, which is being treated as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, a nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

Also, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim

was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.


All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2455 for consideration by the examiner of the claim under 35 U.S.C. § 120 and 119(e) of the prior-filed nonprovisional and provisional applications.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/561,953	09/17/2009	2455	1310	090088	20	4

CONFIRMATION NO. 3274

CORRECTED FILING RECEIPT



OC000000052320109

23696
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Date Mailed: 02/02/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Thomas Richardson, South Orange, NJ;
Xinzhou Wu, Monmouth Junction, NJ;
Junyi Li, Chester, NJ;

Assignment For Published Patent Application

QUALCOMM Incorporated, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 23696

Domestic Priority data as claimed by applicant

This application is a CIP of 12/147,083 06/26/2008
which claims benefit of 60/948,882 07/10/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 09/29/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/561,953**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND APPARATUS FOR CONTROLLING SWITCHING BETWEEN RESOURCES
AND/OR COMMUNICATING RESOURCE CHANGE INFORMATION IN A WIRELESS
COMMUNICATIONS SYSTEM

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

AUG 02 2010

In re Application of	:	OFFICE OF PETITIONS
Mark Buxton, et al.	:	
Application No. 12/562,041	:	DECISION ON PETITION
Filed: September 17, 2009	:	
Attorney Docket No. 2P22891C	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 2, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 3, 2009. The Notice of Abandonment was mailed June 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$330 basic filing fee, replacement drawings, \$208 additional claim fees, \$130 surcharge, \$540 search fee and \$220 examination fee, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.


Terri Johnson
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/562,107	09/17/2009	Kazuhiro TOMITA	108075.00255	3571
7590 01/07/2011 ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER JOHNSON, RYAN	
			ART UNIT 2817	PAPER NUMBER
			NOTIFICATION DATE 01/07/2011	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nomi Sarmes
Patent Publication Branch
Office of Data Management

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01/07/2011
2011/01/07
Patent Publication Branch
Office of Data Management

Adjusted date: 01/07/2011
01/07/2011 10:10 AM
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/562,117	09/17/2009	Michael D. Morrissey	EXIP-KCTools-PAUS0012	3588

58937	7590	04/28/2011
WOLFF LAW OFFICE, PLLC		
P.O. BOX 9855		
CHAPEL HILL, NC 27515-9855		

EXAMINER	
FULTON, CHRISTOPHER W	

ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
04/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Wolff Law Office, PLLC
P. O. Box 9855
Chapel Hill, NC 27515-9855

APR 28 2011

In re Application of	:	
Michael Morrissey et al.	:	DECISION ON PETITION
Application No. 12/562,117	:	TO SUSPEND PROSECUTION
Filed: September 17, 2009	:	UNDER 37 C.F.R. § 1.103
Attorney Docket No. EXIP-KCTools-PAUS0012	:	

This is a decision on the "Request for Suspension of Action by the Office" filed April 4, 2011, requesting that the prosecution of the above-identified application be suspended under 37 C.F.R. § 1.103(a) for a period of 3 (three) months. The request is before the Director of Technology Center 2800 for a decision. The request is also treated as a petition under 37 C.F.R. § 1.181 requesting review of the examiner's action since it is pertinent to the matter at issue. No separate fee is required for the petition.

The petition is GRANTED to the extent that the examiner's action has been reviewed but DENIED as to making any changes thereto. The request to suspend action is GRANTED to the extent indicated below.

A non-final Office action was issued on August 13, 2010 rejecting all claims under the doctrine of non-statutory double patenting over claims of U.S. patents No. 7,409,772 and No. 7,607,235. A reply including a terminal disclaimer (TD) was timely filed on November 15, 2010. The TD was not accepted and a final Office action was mailed on December 3, 2010 wherein the non-statutory double patenting rejection was maintained because the TD was held not in compliance with 37 C.F.R. § 1.321. In reply to the final Office action, the TD was resubmitted on January 31, 2011 along with an argument that the TD was proper and a request for suspension of action should the TD be maintained as unacceptable. An Advisory Action was mailed on February 11, 2011 informing the applicant that the TD was still not acceptable and the request for suspension of action was denied because it did not "include a requested time frame for the suspension. In addition, the time frame for submitting a proper terminal disclaimer is the standard time frame given and is not unreasonable." A Response and Request for Reconsideration was filed on March 2, 2011 along with a renewed and revised request for suspension of action. A second Advisory Action was mailed on March 22, 2011 wherein applicant's arguments were found not persuasive and the suspension of action was denied because there was an outstanding Office action that had not been replied to. The instant petition was filed on April 4, 2011 along with a revised TD.

Petitioner requests that 1) the revised TD filed April 4, 2011 be accepted and 2) action be suspended so that it may be determined to be unnecessary and be expunged from the file record, and the original TD be determined to be sufficient and acceptable under 37 C.F.R. § 1.321 and the law.

Petitioner asserts that the examiner's refusal to accept the original TD filed November 15, 2010 is improper and is a change of legal interpretation that is not necessitated by any change of law or rules because prior TDs using the same TD language had been accepted in 2009. Petitioner further asserts that the examiner's refusal to accept the original TD is unreasonable and it is overly burdensome for the applicant to traverse the denial of its entry. For these reasons, petitioner requests that "further action in this patent application be suspended (the clock for issuing this patent application) **so that petitioner has a reasonable time** to take whatever procedural steps are necessary to have the denial of the originally filed Terminal Disclaimer properly evaluated by, for example, the Commissioner of Patents and/or the Director of the USPTO."

In refusing to accept the TD, it is stated in the Final Office action that "[t]he words 'legal title' in the clause do not include common ownership as to equitable title required to be included by 37 CFR 1.321(c)(3) use of the words 'commonly assigned.'"

It is important that patents containing claims that are directed to the same invention remain commonly owned for enforceability to protect the public from potential harassments by multiple assignees. See *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982).

37 CFR 1.321(c)(3) requires that a terminal disclaimer "[i]nclude a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is **commonly owned** with the application or patent which formed the basis for the judicially created double patenting" (emphasis added). The requirement for this non-alienation clause has been upheld as a valid exercise of the USPTO rule making authority. See *In re Van Ornum*, supra; see also *In re Fallaux*, 564 F.3d 1313, 90 USPQ2d 1860 (Fed. Cir. 2009). The USPTO requires full title in 37 CFR 1.321(c)(3) via the use of the words "commonly owned" to ensure that two or more patents connected together by a terminal disclaimer is tantamount for all practical purposes to having all the claims in one patent.

While petitioner may believe that the language "legal titles of patents being co-owned" and "commonly owned patents" are the same, they are not. The words "legal titles" in the agreement to maintain common ownership for enforceability do not include common ownership as to equitable title as required by 37 CFR 1.321(c)(3).¹ Accordingly, The TD of November 15, 2010 does not include an unequivocal agreement of enforceability only when the patents are

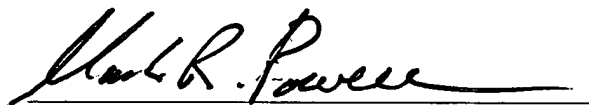
¹ Black's Law Dictionary defines legal title as follows: "One cognizable or enforceable in a court of law, or one which is complete and perfect so far as regards the apparent right of ownership and possession, but which carries no beneficial interest in the property, another person being equitably entitled thereto; in either case, the antithesis of 'equitable title.' It may also mean appearance of title as distinguished from complete title, *Sothorn Carbon Co. v. State*, 171 Misc. 566, 13 N.Y.S.2d 7, 9; full and absolute title or apparent right of ownership with beneficial or equitable title in another; not necessarily record title. *Barnes v. Boyd*, D.C.W. Va., 8 F.Supp. 584, 597. A tax title which is prima facie valid, is a 'legal title.' *Murray v. Holland*, 108 Ind. App. 236, 27 N.E. 2d 126, 128."

commonly owned. The TD filed November 15, 2010 was properly held by the examiner to be inadequate to obviate the non-statutory double patenting rejection. The examiner's action is therefore not a clear and reversible error.

- 1) The examiner properly refused to accept the TD filed November 15, 2010 and committed no reversible error. The TD filed April 4, 2011 is hereby accepted as a proper reply to the final Office action. However, because the TD filed April 4, 2011 is proper and necessary to obviate the non-statutory double patenting rejection, expunging it in favor of the earlier filed and inadequate TD is not appropriate and must be denied.
- 2) Petitioner is hereby given a non-extendible period of one month or thirty days, whichever is longer, from the date of this decision to file a petition seeking review of this decision. If such petition is filed within this period, no further action will be taken by the examiner until a decision on the petition is decided. If such petition is not filed within this period, the examiner will take appropriate action after this period expires.

The petition to suspend is granted to the extent that a petition under 37 C.F.R. § 1.181 will be filed within one month or thirty days, whichever is longer, to seek review of this decision. This time period is not extendible under 37 C.F.R. § 1.136(a).

Any inquiries regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



Mark Powell, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/562,297	09/18/2009	Mamoru SHIBASAKI	09613/LH	3952
1933 7590 10/27/2011 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER BENNETT, JENNIFER D	
			ART UNIT 2878	PAPER NUMBER
			MAIL DATE 10/27/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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HOLTZ, HOLTZ, GOODMAN & CHICK
PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
SHIBASAKI, MAMORU
Application No.: 12/562,297
Filed: September 18, 2009
Attorney Docket No.: 09613/LH

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN THE PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 18, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800



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FIFTH FLOOR
WASHINGTON DC 20001

MAILED

AUG 27 2010

In re Application of	:	OFFICE OF PETITIONS
Yoshizawa, et al.	:	
Application No. 12/562,327	:	DECISION
Filed/Deposited: 18 September, 2009	:	
Attorney Docket No. IPA.025.0055.NP	:	

This is a decision on the petition filed 4 November, 2009, which seeks to have accorded a filing date of 18 September, 2009, for the above-identified application pursuant to 37 C.F.R. §1.57 based upon a showing that the omitted drawings were present in the prior-filed co-pending provisional application(s) to which this application claimed benefit (pursuant to 37 C.F.R. §1.78) on deposit.

This submission is being treated as a petition pursuant to 37 C.F.R. §1.182, requesting that the above-referenced application be accorded a filing date of 18 September, 2009.

The petition as considered pursuant to 37 C.F.R. § 1.182 is **GRANTED to the extent indicated below**; the petition pursuant to 37 C.F.R. § 1.57 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 18 September, 2009.

On 8 October, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it did not appear to contain drawings as required pursuant to the provisions of 35 U.S.C. §113 (first sentence).

The Office indicated that Petitioner might demonstrate on petition, *inter alia*, the presence of the drawings by presentation of evidence of deposit/receipt (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings and accept the date of submission as the filing date, or the incorporation by reference of the omitted materials pursuant to the regulations at 37 C.F.R. §1.57.

Application No. 12/562,327

The Office gave Petitioner two (2) months within which to reply.

On 4 November, 2009, Petitioner filed, *inter alia*, filed a fee and petition pursuant to 37 C.F.R. §1.57 seeking a filing date of 18 September, 2009, for the application. Petitioner points to the provisional (Application No. 61/097,933 (the '933 application) filed on 18 September, 2008 (erroneously stated in the petition as 2009)) as containing the presently omitted items and appears to have filed an amendment under the rule along with copies of the 21 sheets of drawings from the '933 application.

(Any determination as to an amendment will be made by the Examiner.)

Petitioner acknowledged inadvertently omitting the drawings on deposit of the instant application. Petitioner argued, however, that entry of the drawings as described in the specification is merited, because the application specification contains an incorporation by reference, which was present on filing and seeks entry of a priority claim into the specification. Thus, the present application claimed benefit of Provisional Application No. 61/097,933, filed 18 September, 2008, which content was incorporated by reference on deposit of the instant application.

This submission is treated as an assertion that a specification was constructively present in the present application on filing, by virtue of the incorporation by reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. §201.06(c)(IV)(A).

Petitioner's arguments and evidence have been considered.

The guidance in the Commentary at M.P.E.P. §201.06(c)(IV)(A) provides, in pertinent part:

Material needed to accord an application a filing date may not be incorporated by reference unless an appropriate petition under 37 C.F.R. §1.57(a)(3) or under 37 C.F.R. §1.182 is granted. Until such a petition has been granted, the application will not be entitled to a filing date.

In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 C.F.R. §1.182. A petition under 37 C.F.R. §1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement (emphasis added), is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be

Application No. 12/562,327

entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.

35 U.S.C. §120 provides, in pertinent part:

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

As set forth above, this application claims benefit of U.S. Provisional Application No. 61/097,933, and the contents of the same have been incorporated by reference. Thus, pursuant to 35 U.S.C. §120, the application as filed is considered to have incorporated by reference the parent application as to the inadvertently omitted specification. In view of the incorporation by reference of the provisional application, an amendment directing the entry of the specification of the provisional application would not constitute new matter, however, entry of any amendment is within the exclusive purview of the Examiner.

CONCLUSION

Thus, the petition as considered pursuant to:

- 37 C.F.R. § 1.182 is **GRANTED** to the extent that a filing date of 18 September, 2009, may be accorded to the application, and receipt of the amendment to include the inadvertently drawings from of Provisional Application No. 61/097,933, filed 18 September, 2008; and
- 37 C.F.R. § 1.57 is **DISMISSED as moot.**

The application is released to the Office of Patent Application Processing (OPAP) for further processing in due course with a **filing date of 18 September, 2009** using:

- Pages 1- 62 deposited on 18 September, 2009; and
- Drawing sheets 1 - 21 deposited on 4 November, 2009; and

Application No. 12/562,327

with further instruction to the OPAP to issue a filing receipt accordingly reflecting that 62 pages of specification (description, claims and abstract) and 21 sheets of drawings were present on filing.

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214. Inquiries regarding initial patent application processing should be directed to OPAP at (703) 308-9210.

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of	:	
Michael S. Beaulieu	:	
Application No. 12/562,393	:	DECISION ON PETITION
Filed: September 18, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BEAM100001000	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 6, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that he is possession of such evidence, and will retain such in the application file record, showing that the inventor is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3754 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12562395	
Filing Date	18-Sep-2009	
First Named Inventor	Ken Rosenfeld	
Art Unit	3686	
Examiner Name	GERALD O'CONNOR	
Attorney Docket Number	109563.00006	
Title	SYSTEM AND METHOD FOR OBTAINING MEDICAL RECORDS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 54975		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Ken H. Rosenfeld EHEALTH GLOBAL TECHNOLOGIES, INC.	
Address	140 ALLENS CREEK ROAD	
City	ROCHESTER	
State	NY	
Postal Code	14618	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Elizabeth R. Burkhard/
Name	Elizabeth R. Burkhard
Registration Number	58710



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 12,2011

In re Application of :

Ken Rosenfeld

Application No : 12562395

Filed : 18-Sep-2009

Attorney Docket No : 109563.00006

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 12,2011

The request is **APPROVED**.

The request was signed by Elizabeth R. Burkhard (registration no. 58710) on behalf of all attorneys/agents associated with Customer Number 54975 . All attorneys/agents associated with Customer Number 54975 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Ken H. Rosenfeld
Name2 EHEALTH GLOBAL TECHNOLOGIES, INC.
Address 1 140 ALLENS CREEK ROAD
Address 2
City ROCHESTER
State NY
Postal Code 14618
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

ELIAS BORGES
56 Aberfoyle Crescent, Suite 840
Canada ON M8X2W-4 CA CANADA

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Chun Guang CHEN	:	DECISION GRANTING PETITION
Application No. 12/562,458	:	UNDER 37 CFR 1.137(b)
Filed: September 18, 2009	:	
Atty. Docket No.: 02-3087	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

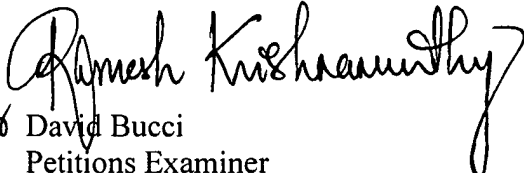
The application became abandoned for failure to fully reply in a timely manner to the Notice to File Missing Parts mailed October 7, 2009, which set a shortened period of reply of two (2) months. A reply was filed on January 29, 2010. However, the reply was untimely as it was not accompanied by a payment for the required fee for a two (2) month extension of time. As no extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained, the application became abandoned on December 8, 2009. A Notice of Abandonment was mailed July 7, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed October 7, 2009, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$245 extension of time fee submitted with the petition on January 27, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to the Office of Patent Application Processing for further processing.

for 
David Bucci
Petitions Examiner
Office of Petitions

Best available copy

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
02-3087

First named inventor: Chun Guang Chen

Application No.: 12/562,458

Filed: 09/18/2009

Art Unit: _____

Examiner: _____

Title: Medicated Steam Bath Cabin

Refund Ref:
05/05/2011

0030097297

Credit Card Refund Total: \$245.00

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

VISA....: XXXXXXXXXXXX0276

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

☒ Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith. 01/28/2011 AWONDAF1 00000061 12562458

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453 810.00 OP

- ☐ has been paid previously on _____ Adjustment date: 05/05/2011 CKHLOK
- ☐ is enclosed herewith. 01/28/2011 AWONDAF1 00000062 12562458
- 01 FC:2252 -245.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>April 27, 2011</u>		2 Serial/Patent # <u>12/562,458</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
<input checked="" type="checkbox"/>	Extension of Time			\$ <u>215</u>							
	Notice of Appeal/Appeal			\$							
	Petition			\$							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ <u>215</u>							
10 REASON:		8 TO BE REFUNDED BY:									
	Overpayment	<input checked="" type="checkbox"/> Treasury Check <u>Credit Card</u> Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;">--</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>					--				
		--									
	No Fee Due (Explanation):										
<u>Extension of Time fees paid following abandonment of application</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Robert L. Wilby</u>		TITLE: <u>Atty. Advisor</u>									
SIGNATURE:		PHONE: <u>571-222-8427</u>									
OFFICE: <u>Patent</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>W. Wilby</u>		DATE: <u>5/5/11</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/562,465	09/18/2009	Takeshi TAMADA	325772057900	4295
25227 7590 05/26/2011 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER ZIMMERMAN, MARK K				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
05/26/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EOfficeVA@mofo.com
drcaldwell@mofo.com
PatentDocket@mofo.com



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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

In re Application of	:	
TAMADA, TAKESHI	:	DECISION ON REQUEST TO
Application No. 12/562,465	:	PARTICIPATE IN PATENT
Filed: September 18, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 325772057900	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 18, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wellington Chin at 571-272-3134.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/ Wellington Chin /

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of
Charles O. EDWARDS, et al.
Application No. 12/562,494
Filed: September 18, 2009
Attorney Docket No. **15448-**
000006/US/DVC

NOTICE UNDER 37 CFR 1.28(C)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Monica A. Graves at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jian Xu
Serial No.: 12/562,508
Filed: September 18, 2009
Group Art: 2821
Examiner: Vo, Tuyet Thi
Title: DIMMING CIRCUIT FOR CONTROLLING ELECTRICAL POWER
Conf. NO.: 4378

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

Applicant respectfully petitions to withdraw the holding of abandonment in this case as explained below. If, however, that petition is denied or otherwise dismissed, then Applicant petitions to revive this application, again, as explained in detail below.

The Notice of Abandonment was triggered by "Applicant's failure to timely file a proper reply to the Office letter mailed on 30 March 2011." (Notice of Abandonment November 10, 2011). This holding of abandonment should be withdrawn, pursuant to 37 CFR 1.181, for the following reasons:

1. In the Final Rejection dated March 30, 2011, the Examiner rejected the claims based solely on non-statutory double patenting, and indicated that "A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground."

ALTERNATIVE PETITION TO REVIVE PURSUANT TO 37 CFR 1.137(B)

If the above petition to withdraw the 10 November 2011 holding of abandonment is dismissed or otherwise denied, then Applicant petitions to revive this application pursuant to 37 CFR 1.137(b), as this application was abandoned unintentionally.

The delay in responding to the March 30, 2011 Final Office Action was unintentional. As generally noted above, the Examiner represented to Applicant that final rejection had been withdrawn in the Advisory Action dated July 20, 2011.

Again, the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A proper power of attorney and a new terminal disclaimer overcoming the non-statutory double patenting rejection are filed concurrently with this petition. Copies of the original terminal disclaimer and Applicant's original response are also included.

Should the above petition to withdraw the holding of abandonment be denied or otherwise dismissed, the Director is authorized to charge Deposit Account Number 50-1482 in the name of Carlson, Gaskey & Olds for the fee(s) required for the revival of this case based on unintentional abandonment.

Accordingly, and if the above petition to withdraw the holding of abandonment is denied or otherwise dismissed, Applicant respectfully requests that this Application be revived for the above reasons.

Respectfully submitted,

/Stephen A. Burch/
Stephen A. Burch, Reg. No. 66,570
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: November 29, 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Carlson, Gaskey & Olds/Masco Corporation
400 West Maple Road
Suite 350
Birmingham MI 48009

MAILED
DEC 14 2011

OFFICE OF PETITIONS

In re Application of Xu :
Application No. 12/562,508 : DECISION ON PETITION
Filed: September 18, 2009 :
Atty. Dkt. No.: 001-3172-U; 60137-493PUS2 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 and the alternative petition to revive under 37 CFR 1.137(b), filed November 29, 2011.

The application became abandoned July 1, 2011 for failure to timely submit a proper reply in response to the final Office action mailed March 30, 2011. The Notice of Allowability set a three month statutory period of time for reply. Notice of Abandonment was mailed November 10, 2011.

DECISION UNDER 37 CFR 1.181

Petitioner's arguments have been carefully reviewed, but have not been found convincing. Petitioner argues that on June 29, 2011, a terminal disclaimer was filed in response to the final Office action mailed March 30, 2011. Petitioner states that the Advisory Action mailed July 20, 2011 indicated that the final rejection had been withdrawn. Petitioner further argues "the sole reason for the holding of abandonment was the Examiner's notification that the Final Rejection had been withdrawn and the Examiner's failure to notify the Applicant of the Examiner's November 4th position until it was impossible for Applicant to timely respond."

A review of the record reveals that the terminal disclaimer was not properly executed. As a result, the terminal disclaimer filed June 29, 2011 could not be entered into the record. As the terminal disclaimer could not be entered into the record due to the fact that it was improperly executed, the application became abandoned as a consequence of applicant's failure to timely submit a proper reply to the final Office action. Failure to properly execute the terminal disclaimer is not grounds for the withdrawal of the holding of abandonment.

Accordingly, the failure to timely submit a proper reply to the final Office action mailed March 30, 2011 resulted in the abandonment of the application. Failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136 results in abandonment of the application as a matter of law. See, 37 CFR 1.135(a). Absent a showing that a proper reply to the final Office action mailed March 30, 2011 was timely filed within the time period for reply set forth therein, the holding of abandonment will not be withdrawn.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

DECISION UNDER 37 CFR 1.137(b)

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

As to requirement (1), a proper reply has not been provided. The terminal disclaimer is not signed by an attorney of record. Practitioner herein is not associated with the customer number indicated on the power of attorney submitted November 29, 2011. Any request for reconsideration must be submitted by a proper reply to the final Office action.

As to requirement (2), the required petition fee has been charged to the authorized deposit account.

In view thereof, the petition under 37 CFR 1.137(b) is hereby **DISMISSED**.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Carlson, Gaskey & Olds/Masco Corporation
400 West Maple Road
Suite 350
Birmingham MI 48009

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of :
Xu : DECISION ON PETITION
Application No. 12/562,508 :
Filed: September 18, 2009 :
Atty. Dkt. No.: 001-3172-U; 60137-493PUS2 :

This decision is in response to the renewed petition to revive under 37 CFR 1.137(b), filed February 3, 2012.

The application became abandoned July 1, 2011 for failure to timely submit a proper reply in response to the final Office action mailed March 30, 2011. The Notice of Allowability set a three month statutory period of time for reply. Notice of Abandonment was mailed November 10, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth herein.

Thus, this application is being directed to Group Art Unit 2821 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/Alesia M. Brown/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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HITACHI C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

MAILED

JAN 03 2011

In re Application of
Tsuwako, et al.
Application No. 12/562,589
Filed: September 18, 2009
Attorney Docket No. **HJP920080045US1**

OFFICE OF PETITIONS

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed November 23, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed September 28, 2009. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on November 29, 2009. A Notice of Abandonment was mailed on June 9, 2010.

The declaration filed November 23, 2010, is noted.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12562672	
Filing Date	18-Sep-2009	
First Named Inventor	Ruben Martinez	
Art Unit	3676	
Examiner Name	DANIEL STEPHENSON	
Attorney Docket Number	25.0367CNT	
Title	INTERVENTION TOOL WITH OPERATIONAL PARAMETER SENSORS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael L. Flynn/
Name	Michael L. Flynn
Registration Number	47566



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 15, 2012

In re Application of :

Ruben Martinez

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12562672

Filed : 18-Sep-2009

Attorney Docket No : 25.0367CNT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 15, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3676 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



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JUN 22 2011

OFFICE OF PETITIONS

HARNES DICKY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

In re Application of :
Jason M. Shultz et al :
Application No. 12/562,692 :
Filed: September 18, 2009 :
Attorney Docket No. 5490-000267/US/CPF :

ON PETITION

This is a decision on the petition, filed June 20, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 20, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3774 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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P.O. Box 1450
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LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

MAILED
MAR 12 2012

OFFICE OF PETITIONS

In re Application of
David K. Luce et al.
Application No. 12/562,797
Filed: September 18, 2009
Attorney Docket No. 0016422-202US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 7, 2012.

The request is **not approved**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that D. Brit Nelson, and attorneys/agents associated with customer number 22904 do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40.

The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. In order to change the address, Form no. PTO/SB/122, should be filed.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Bldg. 14
ROSHARON TX 77583

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Ashley B. Johnson et al.	:	
Application No. 12/562,862	:	DECISION ON PETITION
Filed: September 18, 2009	:	
Attorney Docket No. 22.1434CNT1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 9, 2011, to revive the above-identified application.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Kevin B. McGoff appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

If, Mr. Kevin B. McGoff desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney documents must be submitted.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 14, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2010.

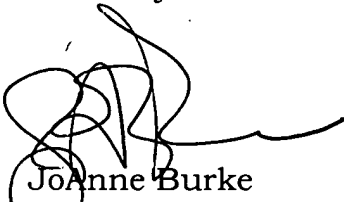
The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$2,350 extension of time fee submitted with the petition on May 9, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 3672 for appropriate action by the Examiner in the normal course of business on the reply received.



JoAnne Burke
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

MAILED

SEP 09 2011

OFFICE OF PETITIONS

Applicant: Eckert, et al.
Appl. No.: 12/562,886
Filing Date: September 18, 2009
Title: USE OF ANTIBODIES FOR THE VACCINATION AGAINST CANCER
Attorney Docket No.: 0147-0229PUS4
Pub. No.: US 2010/0233178 A1
Pub. Date: September 16, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 15, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in paragraph [0050] wherein "W" was misprinted as "V V".

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor wherein in paragraph [0050] wherein "W" was misprinted as "V V" is an Office error but it is not a material Office error as defined under 37 CFR 1.221(b), as the application is a continuation of 11/548,269, which published correctly. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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**HITACHI C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076**

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of
Hiroshi Uchida et al.
Application No. 12/562,911
Filing Date: September 18, 2009
Attorney Docket No. **HJP920080056US1**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 28, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 29, 2009.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of oath or declaration and surcharge, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
Ko, et al. :
Application No. 12/562,917 : ON PETITION
Filed: September 18, 2009 :
Attorney Docket No. 5610/0113PUS1 :

This is a decision on the petition under 37 CFR 1.78, filed May 21, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **dismissed**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

In reviewing the chain of applications to which applicant is seeking a claim for priority, it does not appear that Application No. 12/073,284 shares an inventor in common with Application No. 12/562,917. Section 201.11(IV) of the Manual of Patent Examining Procedure provides, that:

The statute also requires that the applications claiming benefit of the earlier filing date under 35 U.S.C. 119(e) or 120 be filed by an inventor or inventors named in the previously filed application or provisional application. 37 CFR 1.78(a)(1) and (a)(4) require that each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112.

It is noted that the Application No. 12/073,284 cites inventorship for the application as "Chuang, Huo, Chang, Yang, and Chen Ou." Application No. 12/562,917, which petitioner cites directly as a continuation-in-part of Application No. 12/073,284, cites inventorship as "Ko, Hon, Chung, Yeh, An-Ju Lin, Shen, and Crux Ou". Any renewed petition filed must be accompanied by a reference that complies with 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i).

Additionally, the amendment is not acceptable as drafted since it improperly incorporates by reference the some of the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

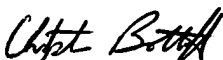
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.


Chris Bottorff
Supervisor
Office of Petitions



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4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

MAR 28 2011

In re Application of :
KO et al. : **OFFICE OF PETITIONS**
Application No. 12/562,917 : **DECISION ON PETITION**
Filed: September 18, 2009 :
Attorney Docket No. 5610/0113PUS1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 1, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional applications and a decision on the petition 37 CFR 1.182, filed December 1, 2010 to correct the spelling of the inventor's name.

The petitions are **GRANTED**.

The requirements of 37 CFR 1.182 to change the name of inventor "Crux Ou" to -- Chen Ou -- have been satisfied. Office records have been updated to reflect the spelling of the inventor's name. A corrected Filing Receipt, which reflects the correct spelling accompanies this decision on petition.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

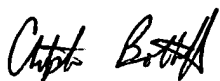
- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G. Dees at (571) 272-1569.



Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/562,917	09/18/2009	2893	1220	5610/0113PUS1	20	3

CONFIRMATION NO. 5269

CORRECTED FILING RECEIPT



OC000000046691130

60601

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

Date Mailed: 03/21/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Tsun-Kai KO, Tainan, TAIWAN;
Schang-Jing HON, Tainan, TAIWAN;
Chien-Kai CHUNG, Tainan, TAIWAN;
Hui-Chen YEH, Tainan, TAIWAN;
An-Ju LIN, Tainan, TAIWAN;
Chien-Fu SHEN, Tainan, TAIWAN;
Chen OU, Hsin-Chu, TAIWAN;

Assignment For Published Patent Application

EPISTAR CORPORATION, Hsinchu, TAIWAN

Power of Attorney: The patent practitioners associated with Customer Number 60601

Domestic Priority data as claimed by applicant

This application is a CIP of 12/073,284 03/04/2008
which is a CIP of 11/160,354 06/21/2005 PAT 7,385,226
which is a CIP of 10/906,458 02/21/2005 PAT 7,355,210
This application 12/562,917
is a CIP of 12/292,593 11/21/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

TAIWAN 097135935 09/18/2008
TAIWAN 097135936 09/18/2008
TAIWAN 098118503 06/04/2009

If Required, Foreign Filing License Granted: 09/29/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/562,917**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

OPTOELECTRONIC SEMICONDUCTOR DEVICE

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

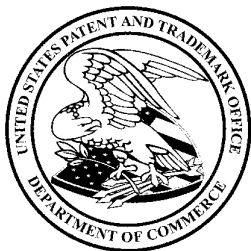
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 7, 2011

In re Application of :

Richard EWERS

Application No : 12562927

Filed : 18-Sep-2009

Attorney Docket No : USGINZ02119

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by John U. Han (registration no. 45565) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name USGI Medical, Inc.
Name2
Address 1 1140 Calle Cordillera
Address 2
City San Clemente
State CA
Postal Code 92673
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12562927	
Filing Date	18-Sep-2009	
First Named Inventor	Richard EWERS	
Art Unit	3731	
Examiner Name	AMY LANG	
Attorney Docket Number	USGINZ02119	
Title	APPARATUS AND METHODS FOR FORMING GASTROINTESTINAL TISSUE APPROXIMATIONS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 40518		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	USGI Medical, Inc.	
Address	1140 Calle Cordillera	
City	San Clemente	
State	CA	
Postal Code	92673	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/Johney U. Han/

Name

Johney U. Han

Registration Number

45565

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12562950	
Filing Date	18-Sep-2009	
First Named Inventor	Bernd APPELT	
Art Unit	2835	
Examiner Name	TREMESHA WILLIS	
Attorney Docket Number	ASEG-051/01US 307632-2079	
Title	SUBSTRATE HAVING SINGLE PATTERNED METAL LAYER, AND PACKAGE APPLIED WITH THE SUBSTRATE , AND METHODS OF MANUFACTURING OF THE SUBSTRATE AND PACKAGE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner	
Address	975 Page Mill Road	
City	Palo Alto	
State	CA	
Postal Code	94304	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Bernd APPELT

Application No : 12562950

Filed : 18-Sep-2009

Attorney Docket No : ASEG-051/01US 307632-2079

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Advanced Semiconductor Engineering, Inc.
Name2 c/o Foley & Lardner
Address 1 975 Page Mill Road
Address 2
City Palo Alto
State CA
Postal Code 94304
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 01 2011

In re Application of	:	OFFICE OF PETITIONS
Christopher A. Wickliffe et al.	:	
Application No. 12/562,964	:	DECISION ON PETITION
Filed: September 18, 2009	:	TO WITHDRAW
Attorney Docket No. 4414.WICK.NP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment/notice of recordation, must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher A. Wickliffe et al.	:	
Application No. 12/562,964	:	DECISION ON PETITION
Filed: September 18, 2009	:	TO WITHDRAW
Attorney Docket No. 4414.WICK.NP	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Frank W. Compagni on behalf of all attorneys/agents associated with customer number 26986. All attorneys/agents associated with customer number 26986 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Wickwerks, LLC
1320 16th Street
Ogden, UT 84404



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/562,964	09/18/2009	Christopher A. Wickliffe	4414.WICK.NP

26986
MORRIS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

CONFIRMATION NO. 5360
POWER OF ATTORNEY NOTICE



Date Mailed: 08/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/562,990	Filing date:	September 18, 2009
First Named Inventor:	Zavodny, Maximilian		
Title of the invention:	Camera-Based HelioStat Calibration with Artificial Light Sources		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.			
<p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p>			
The corresponding PCT application number(s) is/are:		PCT/US2009/053046	
The international date of the corresponding PCT application(s) is/are:		August 6, 2009	
<p>I. List of Required Documents:</p> <p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input type="checkbox"/> Is attached.</p> <p><input checked="" type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).</p> <p><input type="checkbox"/> Is attached.</p> <p><input checked="" type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p>			

[Page 1 of 2]

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO
(continued)

[Page 2 of 2]



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/562,990	09/18/2009	Maximilian Zavodny.	ESOLAR0906	5426
24507 7590 08/05/2010 MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			EXAMINER	
			ART UNIT	PAPER NUMBER
			3749	
			MAIL DATE	DELIVERY MODE
			08/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL BLAINE BROOKS, P.C.
P.O. BOX 1630
SIMI VALLEY CA 93062-1630

In re Application of	:	
ZAVODNY, MAXIMILIAN et al	:	DECISION ON REQUEST TO
Application No. 12/562,990	:	PARTICIPATE IN PATENT
Filed: Sep. 18, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. ESOLAR0906	:	PROGRAM AND PETITION
For: CAMERA-BASED HELIOSTAT	:	37 CFR 1.102(d)
CALIBRATION WITH ARTIFICIAL LIGHT		
SOURCE		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 4, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Steve McAllister, the SPE of Art Unit 3749, and (571)272-6785 for Class 126/573 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,036	09/18/2009	Masatoshi Takegoshi	KATOSH.033AUS	5533
20995 7590 12/23/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER KOENIG, ANDREW Y	
			ART UNIT 2423	PAPER NUMBER
			NOTIFICATION DATE 12/23/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com



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DEC 22 2010

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

**DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)**

**KNOBBE MARTENS OLSON & BEAR
LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614**

**In re Application of: Masatoshi Takegoshi
Application No. 12/563,036
Filed: September 18, 2009
For: **BROADCAST RECEIVER AND
OUTPUT CONTROL METHOD
THEREOF****

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed December 2, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the Japanese application(s);
- b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
- c. A statement that the English translation is accurate;

(3) Applicant must:

- a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
- b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
- b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

Application SN 12/563,036
Decision on Petition

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400



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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
WADA, NAOYUKI et al	:	DECISION ON REQUEST TO
Application No. 12/563,049	:	PARTICIPATE IN PATENT
Filed: September 18, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. NGTOSH.075AUS	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Pursuant to the "Notice regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs" published in the Federal Register on May 25, 2010 (75 Fed. Reg. 29312), the fee under 37 CFR 1.17(h) for the petition to make special under the Patent Prosecution Highway (PPH) programs has been eliminated. The application is being forwarded to the TC Tech Support staff to process a refund of \$130.00. From there application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of	:	
Scott T. Becker, et al.	:	
Application No.: 12/563,063	:	ON PETITION
Filed: September 18, 2009	:	
Attorney Docket No.: TELAP004AC17	:	

This is a decision on the petition, filed August 29, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 16, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2892 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.


Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 068719-5015US	Application Number (if known): 12/563,107	Filing date: Sept. 18, 2009
First Named Inventor: Yoav Heichal		
Title: System for Electrically Connecting Batteries to Electric Vehicles		
APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition: <u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: _____		
Signature 		Date November 29, 2010
Name (Print/Typed) Dion M. Bregman		Registration Number 45,645
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,107	09/18/2009	Yoav Heichal	068719-5015-US	5686

24341	7590	12/23/2010
MORGAN, LEWIS & BOCKIUS, LLP. (PA)		
2 PALO ALTO SQUARE		
3000 EL CAMINO REAL, SUITE 700		
PALO ALTO, CA 94306		

EXAMINER	
CAROC, LHEIREN MAE ANGLO	

ART UNIT	PAPER NUMBER
2833	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

padocketingdepartment@morganlewis.com
vskliba@morganlewis.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

In re Application of	:	
HEICHAL et al	:	DECISION ON PETITION
Application No. 12/563,107	:	TO MAKE SPECIAL UNDER
Filed: September 18, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 068719-5015-US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

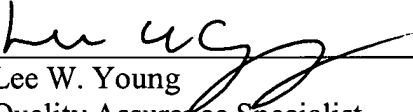
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2833 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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Commissioner for Patents
United States Patent and Trademark Office
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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

MAILED

AUG 3 1 2010

In re Application of
Nagendra Rangavajla
Application No. 12/563,157
Filed: September 20, 2009
Attorney Docket No.: MJE00239NP

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 21, 2010, to revive the above-identified application.

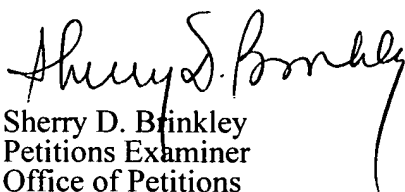
The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed October 8, 2009. The Notice set a period for reply of two (2) months and required the statutory basic filing fee, search fee, examination fee, an oath or declaration under 37 CFR 1.63 and the surcharge under 37 CFR 1.16(f). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 9, 2009. A Notice of Abandonment was mailed on June 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$330 basic filing fee, \$540 search fee, \$220 examination fee, \$130 surcharge and a declaration under 37 CFR 1.63; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed June 21, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ALEXANDER O'CONNOR GIBSON

Serial No.: 12563203

Filed: September 21, 2009

For: ASSISTED DIRECT START ENGINE CONTROL FOR
ENHANCED LAUNCH PERFORMANCE

Group Art Unit: 3747

Examiner: John Kwon

Attorney Docket No.: 81182824

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification an assisted direct start (ADS) engine may use a number of factors to determine when to shut down and restart the engine to achieve the goal of reducing fuel consumption and emissions while the vehicle is stationary. Typically, the engine is shut down when wheel speed is zero and the brake pedal is depressed (for automatic transmissions), or the transmission is in neutral and the clutch pedal is depressed (for manual transmissions).

Other considerations may include the engine coolant temperature, battery state of charge, fuel rail pressure, A/C operation, and others that may be used to prevent an engine shut down and/or to initiate an engine restart. Physical limits of the ADS system associated with engine/transmission inertia, starter design, combustion control limits, etc., may also impose constraints on the time required to shut down and restart the engine. This time may adversely impact vehicle launch performance after an engine shutdown, particular in vehicles with an automatic transmission. As such, it is desirable in some cases to avoid shutting the engine off, or to restart the engine in anticipation of a vehicle launch to improve launch performance.

The claimed invention is directed to systems and methods for controlling an internal combustion engine that include anticipating vehicle launch in response to vehicle position relative to a traffic stream and controlling automatic restart and shut down in response to an anticipated vehicle launch to prevent an automatic engine shut down or to initiate an automatic engine restart. As described above, automatic engine shut down when the vehicle is stationary, such as at a stoplight, stop sign, etc. materially contributes to conservation of energy resources and to the reduction of greenhouse gas emissions.

As such, the claimed invention materially contributes to conservation of energy resources and the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

ALEXANDER O'CONNOR GIBSON

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: March 3, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: 81182824

Application Number
(if known): 12563203

Filing date: September 21, 2009

First Named
Inventor: Alexander O'Connor Gibson

Title: Assisted Direct Start Engine Control for Enhanced Launch Performance

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David S. Bir/

Date 03-03-2011

Name
(Print/Typed) David S. Bir

Registration Number 38383

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.



*Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program
(Not to be Submitted to the USPTO)**

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,203	09/21/2009	Alexander O'Connor Gibson	81182824	5932
28395 7590 03/16/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER KWON, JOHN	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 03/16/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
O'CONNOR GIBSON, ALEXANDER et al	:	DECISION ON PETITION
Application No. 12/563,203	:	TO MAKE SPECIAL UNDER
Filed: Sep. 21, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81182824	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed computer floppy disk with software instructions will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ALEXANDER O'CONNOR GIBSON

Group Art Unit: 3747

Examiner: John Kwon

Serial No.: 12563203

Filed: September 21, 2009

For: ASSISTED DIRECT START ENGINE CONTROL FOR
ENHANCED LAUNCH PERFORMANCE

Attorney Docket No.: 81182824

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 16, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 4, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 4, 2011.

The only deficiency identified in the decision was a materiality statement with respect to claims directed to computer readable media. While Applicant respectfully disagrees with the Examiner's position with respect to these claims, the claims have been canceled without prejudice in a concurrently filed Preliminary Amendment to overcome the Examiner's objection.

With respect to the remaining claims, as described in the previously filed statement in support, Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources and the reduction of greenhouse gas emissions.

As explained in the specification an assisted direct start (ADS) engine may use a number of factors to determine when to shut down and restart the engine to achieve the goal of reducing fuel consumption and emissions while the vehicle is stationary. Typically, the engine is shut down when wheel speed is zero and the brake pedal is depressed (for automatic transmissions), or the transmission is in neutral and the clutch pedal is depressed (for manual transmissions). Physical limits of the ADS system associated with engine/transmission inertia, starter design, combustion control limits, etc., may also impose constraints on the time required to restart the engine. This time may adversely impact vehicle launch performance after an engine shutdown, particularly in vehicles with an automatic transmission. As such, it is desirable in some cases to restart the engine in anticipation of a vehicle launch to improve launch performance, with improved launch performance leading to improved customer satisfaction and desire for vehicles having ADS engines. Compared to conventional engines, ADS engines improve fuel economy and reduce emissions by automatically stopping the engine (and automatically restarting) under various conditions as previously described.

The claimed invention as claimed in claims 1 and 11, for example, is directed to systems and methods for controlling an internal combustion engine that include anticipating vehicle launch in response to vehicle position relative to a traffic stream and controlling automatic restart and shut down in response to an anticipated vehicle launch. As described above, automatic engine shut down when the vehicle is stationary, such as at a stoplight, stop sign, etc. materially contributes to conservation of energy resources and to the reduction of greenhouse gas emissions.

As such, as claimed in claims 1 and 11, for example, controlling automatic restart in response to detecting an anticipated vehicle launch improves launch performance and associated

customer satisfaction with ADS vehicles, which results in improved fuel economy and reduced emissions.

As such, the claimed invention materially contributes to conservation of energy resources and the reduction of greenhouse gas emissions as required. Applicant respectfully requests the Examiner to reconsider the decision and grant the petition.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

Respectfully submitted,

ALEXANDER O'CONNOR GIBSON

By: /David S. Bir/

David S. Bir

Reg. No. 38383

Attorney for Applicant

Date: March 30, 2011

BROOKS KUSHMAN P.C.

1000 Town Center, 22nd Floor

Southfield, MI 48075-1238

Phone: 248-358-4400

Fax: 248-358-3351



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,203	09/21/2009	Alexander O'Connor Gibson	81182824	5932
28395 7590 04/12/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
			EXAMINER KWON, JOHN	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 04/12/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
O'CONNOR GIBSON, ALEXANDER et al	:	DECISION ON PETITION
Application No. 12/563,203	:	TO MAKE SPECIAL UNDER
Filed: Sep. 21, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81182824	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 31, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.


The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12563252	Confirmation Number	6027	Filing Date	2009-09-21
Attorney Docket Number (optional)	67397-142PUS1;11947	Art Unit	3745	Examiner	
First Named Inventor	Yehia M. El-Aini				
Title of Invention	INTERNALLY DAMPED BLADE				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Yehia	M.	El-Aini			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature. Select (1) or (2) :					
<input checked="" type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature			Date (YYYY-MM-DD)	2010-09-28	
Name	Yehia M. El-Aini				



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CARLSON, GASKEY & OLDS/PRATT & WHITNEY
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Yehia M. EL-AINI, et al	:	
Application No. 12/563,252	:	DECISION ON PETITION
Filed: September 21, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PA0011947U;67397-142PUS1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by Applicant Yehia M. El-Aini. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000**

MAILED

JUN 29 2011

In re Application of
Attwater et al.
Application No. 12/563,254
Filed: September 21, 2009
Attorney Docket No. 054997/379607

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Jason P. Cooper, on behalf of all attorneys of record who are associated with Customer Number 00826.

All attorneys/agents associated with the Customer Number 00826 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed June 1, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Enterprise Integration Group, Inc.
2817 Crow Canyon Road, Suite 100
San Ramon, California 94583



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PITNEY BOWES INC.
INTELLECTUAL PROPERTY & TECH. LAW DEPT.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON CT 06484

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of
Frederick W. Ryan, Jr. et al.
Application No. 12/563,312
Filed: September 21, 2009
Attorney Docket No. F-971-D2

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Omitted Items in a Non Provisional Application, mailed October 9, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 10, 2009. A Notice of Abandonment was mailed on June 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawing, (2) the petition fee of \$1,620, (3) a proper statement of unintentional delay. Accordingly the replacement drawing is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272 -4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received June 24, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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VEDDER PRICE/LitePoint Corporation
222 North LaSalle Street
Chicago IL 60601

MAILED
MAR 28 2012
OFFICE OF PETITIONS

In re Patent No. 8,085,685 :
Issue Date: December 27, 2011 :
Application No. 12/563,325 : **NOTICE**
Filed: September 21, 2009 :
Attorney Docket No. 11602.00.0041 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 9, 2012 and March 9, 2012. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Patent No. 8,036,017
Issue Date: Octoctober 11, 2011
Application No. 12/563,349
Filed: September 21, 2009
Attorney Docket No. 4494-45

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 19, 2012, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of duplicate Letters Patent may be directed to the Ollie Person in the Office of Data Management at (703) 756-1555.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)
Kimberly Terrell (Fax No. (571) 270-9958)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,399	09/21/2009	William T. Hatley	SPIR 1003-1	6318
22470	7590	11/24/2010		
HAYNES BEFFEL & WOLFELD LLP			EXAMINER	
P O BOX 366			LY, ANH VU H	
HALF MOON BAY, CA 94019			ART UNIT	PAPER NUMBER
			2472	
			MAIL DATE	DELIVERY MODE
			11/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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NOV 24 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

HAYNES, BEFFEL & WOLFELD LLP
P.O. BOX 366
HALF MOON BAY, CA 94019

In re Application of: HATLEY, et al.
Application No.: 12/563,399
Fil'd: September 21, 2009
Att'y. Docket No. SPIR 1003-1
For: METHODS AND APPARATUSES FOR GENERATING
NETWORK TEST PACKETS AND PARTS OF NETWORK
TEST PACKETS

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 22 June 2010, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **GRANTED**.

Petitioner requests that the document entitled "UltraViolet/Goldmine OC 192-10G Ethernet System Design, Version 3.0. The UltraGold Design Team. September 17, 2001. Netcom systems CONFIDENTIAL, pp. 1-330." submitted on 22 June 2010 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application.

The test for expunging material is whether or not the information is material to the patentability of the claims. A review of the material has found that the material is not material to the patentability of the claims. Therefore, the petition is granted.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been destroyed, the artifact folder closed and therefore the material will not be returned.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3088.

/Hassan Kizou/

Hassan Kizou
WQAS, Technology Center 2400



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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
DASHER, Charles et al.
Application No. 12/563,401
Filed: September 21, 2009
Attorney Docket No. **P29320-US1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD


This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 03, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Alston & Bird LLP has been revoked by the assignee of the patent application on February 14, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,435	09/21/2009	Ki Jun Kim	2101-3704	6396
35884 7590 01/07/2011 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER YAO, KWANG BIN	
			ART UNIT 2473	PAPER NUMBER
			NOTIFICATION DATE 01/07/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com



UNITED STATES PATENT AND TRADEMARK OFFICE

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: KIM, KI JUN et al.
Application No. 12563435
Filed: September 29, 2009
For: APPARATUS AND METHOD OF
TRANSMITTING AND RECEIVING DATA IN
SOFT HANDOFF OF A WIRELESS
COMMUNICATION SYSTEM

MAILED

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 06 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400
DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 14, 2010, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English; and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition failed items (5) and (6) above. Regarding item (5), Applicant failed to submit (a) a copy of the Office action(s) (non-translated) from the KR application(s). Regarding item (6), the document "KR Published Patent2002-46547" cited in the KIPO Office action is not listed in any of the filed Information Disclosure Statements and a copy thereof has not been submitted.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,435	09/21/2009	Ki Jun Kim	2101-3704	6396
35884 7590 01/26/2011 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER YAO, KWANG BIN	
			ART UNIT 2473	PAPER NUMBER
			NOTIFICATION DATE 01/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com



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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: KIM, KI JUN et al.
Application No. 12563435
Filed: September 21, 2009
For: APPARATUS AND METHOD OF
TRANSMITTING AND RECEIVING DATA IN
SOFT HANDOFF OF A WIRELESS
COMMUNICATION SYSTEM

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED
JAN 20 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 18, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English; and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition were previously dismissed for apparent failure of items (5) and (6) above. During a telephonic interview on January 14, 2011, Applicant's representative Harry Lee assisted in locating the documents that were believed to be missing. For further clarification, Mr. Lee submitted a copy of the document KR 2002-46547; this document that was previously presumed to be missing was actually listed in the IDS as KR 10-0830486, which is the patent registration number corresponding to the application publication number 10-2002-0046547.

Therefore, the request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120123

DATE : January 23, 2012

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 7,826,437

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/DWAYNE BOST/
Supervisory Patent Examiner.Art Unit 2617



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,471	09/21/2009	William T. Hatley	SPIR 1003-4	6479
22470 7590 08/25/2010 HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019			EXAMINER LY, ANH VU H	
			ART UNIT 2472	PAPER NUMBER
			MAIL DATE 08/25/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

In re Application of: HATLEY, WILLIAM et al.
Application No. 12563471
Filed: September 21, 2009
For: METHODS AND APPARATUSES FOR
GENERATING NETWORK TEST PACKETS AND
PARTS OF NETWORK TEST PACKETS

DECISION ON PETITION TO
EXPUNGE INFORMATION UNDER
37 CFR 1.59

MAILED

AUG 24 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the petition under 37 CFR § 1.59(b), filed on June 21, 2010, to expunge information submitted pursuant to MPEP § 724.02.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on June 22, 2010 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on June 21, 2010 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be returned to applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at telephone number 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400



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VEDDER PRICE, PC
875 15TH STREET, NW
SUITE 725
WASHINGTON DC 20005

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of
Simon W.M. John et al.
Application No. 12/563,483
Filed: September 21, 2009
Attorney Docket No. 00773.02.0002

:
: **DECISION GRANTING**
: **PETITION**
:

This is a decision on the PETITION TO THE DIRECTOR FOR SUSPENSION OF RULES UNDER 37 C.F.R. § 1.183 filed April 22, 2010. This decision is also on the REQUEST TO WITHDRAW PETITION TO THE DIRECTOR FOR SUSPENSION OF RULES UNDER 37 C.F.R. § 1.183 filed September 20, 2010.

The petition filed April 22, 20010 under 37 CFR 1.183 is **DISMISSED** as involving moot issues.

The petition filed September 20, 2010 under 37 CFR 1.183 is **GRANTED**.

Since the petition filed April 22, 2010 had not already been addressed, it will not be considered and will not receive any treatment by the USPTO.

This matter is being referred to Technology Center 1649 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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**KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036-4003**

MAILED
SEP 02 2010
OFFICE OF PETITIONS

In re Application of :
Ana I. Jiménez et al :
Application No. 12/563,530 : **DECISION GRANTING PETITION**
Filed: September 21, 2009 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 14262-10500US7 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 31, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1635 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

29 SEP 2010



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TUROC & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

In re Application of : DECISION ON
OIDE et al :
Application No: 12/563,541 :
Filing Date: 24 March 2008 :
Priority Date: 22 March 2007 : PETITION UNDER
Attorney's Docket No.: P02377US/FRKWP128WOUS :
For: LIGHT BOX : 37 CFR 1.182

This is response to petitioner's "PETITION TO CONVERT UNDER 37 CFR 1.182," filed on 12 October 2009, which is being treated as petition under 1.182 to change the application type from 35 USC 111(a) to 35 USC 371 electronically filed 21 September 2009. The appropriate petition fee of \$400.00 has been paid by credit card.

BACKGROUND

On 21 September 2009, applicants electronically filed a utility application, which was accompanied by, inter alia, with the amount of \$1090.00 for the filing fees, a specification, and claims. The application was processed as a filing under 35 U.S.C. §111(a) since it was electronically filed as a utility application.

On 12 October 2009, petitioner electronically filed the instant petition to convert the above application filed under 35 USC §111(a) to a national stage application filed under 35 USC §371.

DISCUSSION

U.S. statutes and regulations do not make specific provision for the requested conversion and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. In the present case, petitioner has failed to make such a showing. Petitioner is advised that because international application PCT/JP2008/055405 designated the United States, the present application may be treated as a continuation of international application PCT/JP2008/055405, with no loss of priority rights, if the requirements of 35 U.S.C. 120 are met. See MPEP 1895.

Moreover, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states in relevant part:

The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111. . . . If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111. (Emphasis added.)

As such, any intended filing under 35 U.S.C. 371 a national stage application must clearly and unambiguously be identified as such, otherwise the submission will be treated as being filed under 35 U.S.C. 111(a). A conflicting instruction will be treated as a filing under 35 U.S.C. 111(a). Note 37 CFR 1.494(f), 1.495(g) and MPEP 1893.03(a).

At time of filing this application, petitioner had the ability to file the application under 371 by clicking on the 371 radio button in EFS-WEB. Even though, petitioner alleges that the application was inadvertently filed as a utility under 35 USC 111(a), it was electronically filed as a 35 USC 111(a) application. Because there were conflicting instructions as to the treatment of the filing of this application as the application was filed under 35 USC 111(a) but the ADS indicated a filing under "a 371 of international PCT/JP2008/055405," the application was properly treated as a utility application under 35 U.S.C. 111 (a) (37 CFR 1.495(g)) as indicated above.

Petitioner, however, is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, because this application (Serial No. 12/563,541) and the international application (PCT/JP2008/055405) designating the United States were copending on 21 September 2009. However, petitioner must comply with the provisions of 37 CFR 1.78(a) for claiming benefit to the international application

In addition, petitioner is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

Petitioner's request to have the application treated as a filing under 35 U.S.C. 371 is dismissed.

CONCLUSION

The petition for the reasons noted above is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition is desired, applicant must file a request for reconsideration within a **TWO (2) MONTH** non-extendable time period from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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Brian R. Dorn
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis MN 55402-0903

MAILED
MAR 19 2012
OFFICE OF PETITIONS

In re Application of :
Huang, et al. : DECISION ON PETITION
Application No. 12/563,585 :
Filed: September 21, 2009 :
Attorney Docket No. 60327.7USI1 :

This is a decision on the petition, filed January 19, 2012, under 37 CFR 1.47. This matter is further being properly treated under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(2).

The instant application was filed September 21, 2009 with an executed oath or declaration and named Y. Huang, C. Levesque, and D. Cvitkovitch as joint inventors. Petitioners herein seek to add Inventor Y. Li as an inventor.

DECISION UNDER 37 CFR 1.47

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Receipt of the required petition fee under 37 CFR 1.17(g) is acknowledged.

The instant petition fails to satisfy requirements (2) and (4) set forth above.

With respect to requirement (2), the required oath or declaration has not been provided.

As the request under 37 CFR 1.48(a) seeks to add an inventor, an oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the

inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor, unless otherwise indicated. Thus, a **newly executed oath or declaration** in compliance with 37 CFR 1.63 and 1.64 is required upon renewed petition.

With respect to requirement (4), the last known address of the non-signing inventor has not been provided.

An application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient.

In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. Thus, as the non-signing inventor has refused to execute the declaration, the last known address **must** consist of a residential address rather than a business address. See, MPEP §§ 409.03(e) and 605.03.

DECISION UNDER 37 CFR 1.183

With respect to the petition under 37 CFR 1.183, the required petition fee of \$400.00 has been charged to the authorized deposit account. The provisions of 37 CFR 1.183 provide that "[i]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed."

Petitioners seek to correct the inventive entity in the instant application by submitting a request under 37 CFR 1.48(a). Petitioners are required under 37 CFR 1.48(a)(2) to submit a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part an oath or declaration by the actual inventor or inventors as required by § 1.63. Petitioners has established that they are able to comply with this requirement because inventor Li is unwilling to participate in the application.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.48(a)(2) is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.48

A grantable request under 37 CFR 1.48(a) requires:

Petitioners have submitted a request under 37 CFR 1.48. A grantable request pursuant to 37 CFR 1.48 (a) requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

As indicated above, requirement (2) has been waived pursuant to 37 CFR 1.183.

With respect to the fee required per 37 CFR 1.48(a)(4), the required fee set forth at 37 CFR 1.17(i) has been charged to the authorized deposit account.

With respect to requirement (3), in accordance with 37 CFR 1.48(a)(3), a request for correction of inventorship must include an oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47

The instant request for correction of inventorship is not accompanied by the required oath or declaration, as discussed above.

Any request for reconsideration must be accompanied by a proper oath or declaration.

Applicant are given TWO (2) MONTHS from the mailing date of this decision to reply. Any request for reconsideration should be titled "Renewed Petition under 37 CFR 1.48 and 1.47." Any extensions of time will be governed by 37 CFR 1.136(a).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop MISSING PARTS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Window, Mail Stop PETITIONS
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

This application is being returned to Group Art Unit 1645.

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,594	09/21/2009	Katsuhiko Ishida	348525US2 CONT	6719
7590 10/29/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, TRANG Q	
			ART UNIT	PAPER NUMBER
			2811	
			NOTIFICATION DATE	DELIVERY MODE
			10/29/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Armes

Patent Publication Branch
Office of Data Management

Adjusted date: 10/05/2010 10:00 AM
03/22/2009 INTERSO 02222347 12563534
RE 1.0.0.0.0 -540.00 OP

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09-21-11

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/563596 Patent No.: 7999334

CofC mailroom date: 08-30-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

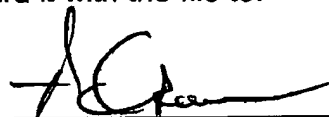
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE



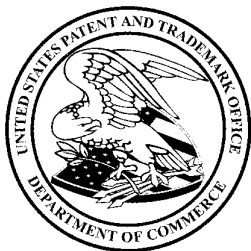
Art Unit

2818

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12563597	
Filing Date	21-Sep-2009	
First Named Inventor	Martin Moskovits	
Art Unit	2873	
Examiner Name	MAHIDERE SAHLE	
Attorney Docket Number	638772015600	
Title	PATTERNED POLARIZATION-SENSITIVE OPTICAL ELEMENTS AND DEVICES USING THE SAME	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25226		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Abraxis Biosensors, LLC	
Address	11755 Wilshire Blvd, Suite 2000	
City	Los Angeles	
State	CA	
Postal Code	90025	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Catherine M. Polizzi/
Name	Catherine M. Polizzi
Registration Number	40130



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 30,2011

In re Application of :

Martin Moskovits

Application No : 12563597

Filed : 21-Sep-2009

Attorney Docket No : 638772015600

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 30,2011

The request is **APPROVED**.

The request was signed by Catherine M. Polizzi (registration no. 40130) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Abraxis Biosensors, LLC

Name2

Address 1 11755 Wilshire Blvd, Suite 2000

Address 2

City Los Angeles

State CA

Postal Code 90025

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/563,620	09/21/2009	Hiroki Matsushita	1924.86958	6781
7590 09/24/2010				
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
EXAMINER				
ART UNIT		PAPER NUMBER		
2121				
MAIL DATE		DELIVERY MODE		
09/24/2010		PAPER		

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Sarmel
Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2010 14:40:00
09/24/2010 14:40:00 14:40:00 14:40:00 14:40:00
09/24/2010 14:40:00 14:40:00 14:40:00 14:40:00



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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
2033 SH 249 6TH FLOOR
HOUSTON, TX 77070

MAILED

JUN 30 2011

OFFICE OF PETITIONS

In re Application of	:	
Mansur et al.	:	DECISION ON PETITION
Application No. 12/563,637	:	TO WITHDRAW
Filed: September 21, 2009	:	FROM RECORD
Attorney Docket No. 0081-183001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 17, 2011.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 29855 was revoked by the assignee of the patent application on June 3, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: BRAKE HUGHES BELLERMANN LLP
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402



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Alexandria, VA 22313-1450
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**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON, TX 77070**

MAILED

JUN 21 2011

In re Application of
Gary Lewis Jackson
Application No. 12/563,657
Filed: September 21, 2009
Attorney Docket No. 0081-184001

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**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 17, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the address listed below until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Brake Hughes Bellermann LLP
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402



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United States Patent and Trademark Office
P.O. Box 1450
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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of

Fine et al.

Application No. 12/563,662

Filed: September 21, 2009

Attorney Docket No. 16250.0019

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ON PETITION

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This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 8, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1774 for action on the merits commensurate with this decision.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12563683	
Filing Date	21-Sep-2009	
First Named Inventor	Robert Koefer	
Art Unit	1722	
Examiner Name	CYNTHIA KELLY	
Attorney Docket Number	638772015500	
Title	POST ARRAYS AND METHODS OF MAKING THE SAME	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25226		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Abraxis Biosensors, LLC	
Address	11755 Wilshire Blvd, Suite 2000	
City	Los Angeles	
State	CA	
Postal Code	90025	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Catherine M. Polizzi/
Name	Catherine M. Polizzi
Registration Number	40130



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 30,2011

In re Application of :

Robert Koefer

Application No : 12563683

Filed : 21-Sep-2009

Attorney Docket No : 638772015500

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 30,2011

The request is **APPROVED**.

The request was signed by Catherine M. Polizzi (registration no. 40130) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Abraxis Biosensors, LLC

Name2

Address 1 11755 Wilshire Blvd, Suite 2000

Address 2

City Los Angeles

State CA

Postal Code 90025

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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May 3, 2011

Anatoly S. Weiser
Acuity Law Group
3525 Del Mar Heights Road #295
San Diego, CA 92130

Patent No: 7,904,453 B2
Application No: 12/563,718
Applicant: Alexander I. Poltorak
Issued: March 8, 2011
Title: APPARATUS AND METHOD FOR ANALYZING PATENT CLAIM VALIDITY

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

The error complained of in column 15, line 1 cannot be corrected since: The requested change requires a fee, the Patent and Trademark Office has no authority to issue a certificate of correction.

In view of the foregoing your request in this matter is hereby **denied**.

However, further consideration will be given to this matter, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee which is presently \$100.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION**DATE : 07/28/11****TO SPE OF : ART UNIT: 2618 Attn: ANDERSON MATTHEW D (SPE)****SUBJECT : Request for Certificate of Correction for Appl. No.: 12/563738 Patent No.: 7974629****CofC mailroom date: 07/20/11**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580****Note: Please check Related U.S. Application Data****Tasneem Siddiqui****Certificates of Correction Branch****703-756-1814 & 703-756-1583****Thank You For Your Assistance****The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Temesghen Ghebretinsae/

SPE**2618**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 30,2011

In re Application of :

Qihong Wu

Application No : 12563824

Filed : 21-Sep-2009

Attorney Docket No : 638772015700

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 30,2011

The request is **APPROVED**.

The request was signed by Catherine M. Polizzi (registration no. 40130) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Abraxis Biosensors, LLC

Name2

Address 1 11755 Wilshire Blvd, Suite 2000

Address 2

City Los Angeles

State CA

Postal Code 90025

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12563824	
Filing Date	21-Sep-2009	
First Named Inventor	Qihong Wu	
Art Unit	1713	
Examiner Name	NADINE NORTON	
Attorney Docket Number	638772015700	
Title	SHORT PITCH METAL GRATINGS AND METHODS FOR MAKING THE SAME	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25226		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Abraxis Biosensors, LLC	
Address	11755 Wilshire Blvd, Suite 2000	
City	Los Angeles	
State	CA	
Postal Code	90025	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Catherine M. Polizzi/
Name	Catherine M. Polizzi
Registration Number	40130



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

APR 16 2012

OFFICE OF PETITIONS

In re Application of
Douglas A. Cahill et al.
Application No. 12/563,859
Filed: September 21, 2009
Attorney Docket No. 085487-0016

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ON PETITION

This is a decision on the petition, filed March 20, 2012, to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned on November 18, 2011, for failure to file a timely response to a non-Final Office Action mailed August 17, 2011, which set a three month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained prior to the expiration of the extendable period. Accordingly, a Notice of Abandonment was mailed February 24, 2012.

Petitioner argues however that a response was filed on January 17, 2012 with a two month extension of time.

A search of the application file and the USPTO records reveals that in fact, a response was filed on January 17, 2012 and the extension of time fee was properly posted.

Accordingly, the response was timely and the Notice of Abandonment mailed February 24, 2012 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3633 for treatment of the response filed January 17, 2012 as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Research in Motion Corp./CR
Attn: J. Robert Brown
5601 Granite Parkway, Suite 750
Plano TX 75024

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Cai et al.	:	
Application No. 12/563,899	:	DECISION ON PETITION
Filed: September 21, 2009	:	
Attorney Docket No. 34241-US-PAT (4214-	:	
35401)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed April 14, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 15, 2011. A Notice of Abandonment was mailed on October 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$1860.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2471 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions



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Alexandria, VA 22313-1450
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PERKINS COIE, LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of

Mark JASTER, et al.

Application No. 12/563,969

Filed: September 21, 2009

Attorney Docket No. **69390-8002.US01**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **PERKINS COIE, LLP** has been revoked by the assignee of the patent application on October 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**
390 LYTON AVENUE
PALO ALTO, CA 94301



UNITED STATES PATENT AND TRADEMARK OFFICE

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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

MAILED
DEC 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Xiang	:	
Application No. 12/563,982	:	ON PETITION
Filed: September 21, 2009	:	
Attorney Docket No. ETI022P07	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 15, 2010.

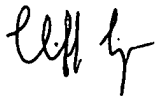
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely corrected drawings in response to the Notice to File Corrected Application Papers, mailed October 8, 2009. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings and additional claim fees. No reply having been received, the application became abandoned on December 9, 2009. The Office mailed a Notice of Abandonment on June 21, 2010.

With the instant petition, petitioner paid the petition fee, made a statement of unintentional delay, and submitted the required reply in the form of replacement drawings and additional claim fees.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
390 Lytton Avenue
Palo Alto, CA 94301

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of Friedenthal et al.	:	
Application No. 12/564,009	:	Decision on Petitions Under
Filing Date: September 21, 2009	:	37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. 18VJ-144593	:	

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 1, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) The reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) The surcharge set forth in § 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

All of the prior requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

The application is being forwarded to Technology Center Art Unit 2617 for consideration by the examiner of the claim of priority under 35 U.S.C. § 120 to the prior-filed application and the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional applications.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/564,009	09/21/2009	2617	605	18VJ-144593	23	3

CONFIRMATION NO. 7495

CORRECTED FILING RECEIPT



69849
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
390 Lytton Avenue
Palo Alto, CA 94301

Date Mailed: 02/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert H. Friedenthal, Encino, CA;
David G. Thompson, West Hollywood, CA;
Savalas O. Colbert, Beverly Hills, CA;

Assignment For Published Patent Application

411 Web Directory, Culver City, CA

Power of Attorney: The patent practitioners associated with Customer Number 69849

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/104,236 10/09/2008
and claims benefit of 61/110,551 11/01/2008
and claims benefit of 61/119,335 12/02/2008
and is a CIP of 12/351,782 01/09/2009
which claims benefit of 61/104,236 10/09/2008
and claims benefit of 61/110,551 11/01/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/564,009**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Systems and Methods for Providing Wireless Targeted Advertising

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Proteus Biomedical, Inc.
Bozicevic, Field & Francis
LLP
1900 University Ave., Ste. 200
East Palo Alto CA 94303

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Patent of Zdeblick et al.:
Patent No. 7,978,064 :
Issue Date: July 12, 2011 : DECISION ON
Application No. 12/564,017 : REQUEST FOR RECONSIDERATION
Filed: September 21, 2009 : OF PATENT TERM ADJUSTMENT
Atty Docket No. PRTS-010CON2
(PRO-103)

This is a decision on the "REQUEST UNDER 37 CFR 1.705(d) FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed September 12, 2011. Patentees request that the revised patent term adjustment indicated on the patent be corrected from one hundred thirty-nine (139) days to one hundred sixty-seven (167) days.

The request for correction of the determination of patent term adjustment (PTA) is dismissed.

This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 1.705(d). The Office acknowledges receipt of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On July 12, 2011, the above-identified application matured into U.S. Patent No. 7,978,064 with a patent term adjustment of 139 days. The PTA of 179 days was reduced by 40 days pursuant to 37 C.F.R. § 1.704(c)(10) for the submission of a miscellaneous incoming letter after the mailing of the Notice of Allowance.

The reduction of 40 days is at issue. Patentees contend that only a 12 day reduction is warranted because the Rule 312 amendment, filed on June 3, 2011, was addressed in the Response to the Rule 312 Amendment, mailed June 14, 2011.

The reduction of 40 days has been considered and the reduction is found to be warranted. It is undisputed that *in addition* to the Rule 312 amendment, a declaration and a request for expedited issuance of patent were filed on June 3, 2011, after the mailing of the Notice of Allowance. These were properly bases for reduction of patent term adjustment pursuant to § 1.704(c)(10).

37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

As stated in MPEP 2732:

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude

processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

Patentees are correct that a 12 day reduction would be in order for the Rule 312 amendment, if it had been the only paper filed on that day. However, the declaration and the request for expedited issuance of patent, both filed on June 3, 2011 as well, are also papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application. Oath or declarations is listed as (8) above and the request for expedited issuance of patent is similar to a status letter, which is (2) above. The 40 day reduction begins on June 3, 2011, the date the declaration and request for expedited issuance of patent were filed, and ends on July 12, 2011, when the patent issued. The Rule 312 amendment reduction of 12 days is subsumed within the 40 day reduction.

In view thereof, the determination of patent term adjustment remains one hundred thirty-nine **(139)** days, which is 179 days of A delay + 0 days of B delay - 40 days of Applicant delay.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

SEP 29 2011

In re Application of	:	OFFICE OF PETITIONS
Zuckerman	:	
Application No. 12/564,035	:	ON PETITION
Filed: September 21, 2009	:	
Attorney Docket No. 35265-503C01US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2011

The petition under 37 CFR 1.137(b) is GRANTED.

The above-identified application became abandoned on December 26, 2009, for failure to file a reply to the "Notice to File Corrected Application Papers" mailed October 15, 2009. The notice set a period for reply of two months from its mailing date. The notice required replacement drawings to be filed. A Notice of Abandonment was mailed on June 23, 2010, indicating that replacement drawings were not received.

The replacement drawing Fig. 3 filed September 27, 2011, is noted. This decision should not be interpreted as an assurance that the replacement drawing sheet satisfies the requirements of 37 CFR 1.84. This determination will be made by the Office of Patent Application Processing.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Paper No.

Director of IP
5521 Hellyer Avenue
San Jose CA 95138

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AUG 04 2011

OFFICE OF PETITIONS

In re Application of :
Sager et al. : DECISION ON PETITION
Application No. 12/564,042 :
Filed: September 21, 2009 :
Attorney Docket No. NSL-0215 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed July 15, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned effective June 13, 2010 for failure to reply to the Notice to File Missing Parts of Application mailed April 12, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A courtesy Notice of Abandonment was mailed on December 22, 2010.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of the late surcharge, missing filing fees, and an executed declaration for patent; the petition fee; and the required statement of unintentional delay.

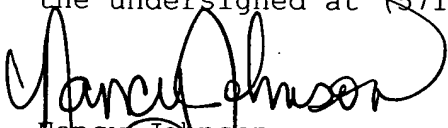
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,175 extension of time fee was submitted (on petition) subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded.

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed July 15, 2011.

Application No. 12/564,042

Page 2

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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IBM CORPORATION
IP Law Department
294 Route 100
P.O. BOX 100
Somers NY 10589-0100

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING PETITION
CARMON et al.	:	UNDER 37 CFR 1.78(a)(3)
Application No. 12/564,061	:	
Filed: 09/22/2009	:	
Attorney Docket No. IL920060075US2	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 24, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications pursuant to 37 CFR 1.78(a)(3) is applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 2825 for consideration by the examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
12/564,061	09/22/2009	2825	1090	IL920060075US2	4	2

CONFIRMATION NO. 7601

CORRECTED FILING RECEIPT



877
IBM CORPORATION
IP Law Department
294 Route 100
P.O. BOX 100
Somers, NY 10589-0100

Date Mailed: 03/12/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Roi Carmon, Neshet, ISRAEL;
Rachel Gordin, Hadera, ISRAEL;
David Goren, Neshet, ISRAEL;
Shlomo Shlafman, Haifa, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number 00877

Domestic Priority data as claimed by applicant

This application is a DIV of 11/669,158 01/31/2007 PAT 7797662

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/02/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/564,061**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR DESIGN AND MODELING OF TRANSMISSION LINES

Preliminary Class

716

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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LICENSE FOR FOREIGN FILING UNDER

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12564089	
Filing Date	22-Sep-2009	
First Named Inventor	Yasuyuki ARAI	
Art Unit	2814	
Examiner Name	MARC ANTHONY ARMAND	
Attorney Docket Number	0756-8633	
Title	LIGHTING SYSTEM AND LIGHTING DEVICE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eric J. Robinson/
Name	Eric J. Robinson
Registration Number	38285



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 25,2011

In re Application of :

Yasuyuki ARAI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12564089

Filed : 22-Sep-2009

Attorney Docket No : 0756-8633

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 25,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2814 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,092	09/22/2009	Donald R. Davis	P009313-RD-MJL	7647
72823	.7590	11/18/2011	EXAMINER	
Quinn Law Group, PLLC 39555 Orchard Hill Place Suite 520 Novi, MI 48375			RAEVIS, ROBERT R	
			ART UNIT	PAPER NUMBER
			2856	
			MAIL DATE	DELIVERY MODE
			11/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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NOV 18 2011

In re Application of DAVIS ET AL.

Appl. No.: 12/564,092

Filed: September 22, 2009

For: SYSTEM AND METHOD FOR CALIBRATING A:
ROTARY ABSOLUTE POSITION SENSOR

DECISION ON PETITION
37 CFR 1.48(a)

This decision is in response to the petition filed February 22, 2011 in the above-identified application. The petition seeks to correction inventorship pursuant to 37 CFR 1.48(a).

In view of the papers filed February 22, 2011, it has been found that the patent application, as originally filed, through error and without deceptive intent, improperly set forth the inventorship.

The petition having met all of the requirements of 37 CFR 1.48(a) is granted.

The inventorship in the application has been changed by adding **Nicolaus A. Radford** as joint inventor.

SUMMARY: THE PETITION IS GRANTED.

Hezron E. Williams,
Supervisory Patent Examiner,
Patent Examining Technology Center 2800

Quinn Law Group, PLLC
39555 Orchard Hill Place
Suite 520
Novi, MI 48375



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,113	09/22/2009	Peter Adelsperger	CRN 541 PA	7680
29673 7590 09/21/2010 STEVENS & SHOWALTER LLP 7019 CORPORATE WAY DAYTON, OH 45459-4238			EXAMINER	
			ART UNIT	PAPER NUMBER
			3636	
			MAIL DATE	DELIVERY MODE
			09/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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21 2010

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STEVENS & SHOWALTER LLP
7019 CORPORATE WAY
DAYTON OH 45459-4238

In re application of	:	DECISION ON REQUEST TO
Adelsperger et al.	:	PARTICIPATE IN PATENT
Application No. 12/564,113	:	PROSECUTION HIGHWAY
Filed: September 22, 2009	:	PROGRAM AND PETITION
For: SWIVEL SEAT WITH ADJUSTABLE	:	TO MAKE SPECIAL UNDER
SWIVEL RESISTANCE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 29, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition fail to include:

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s); Claims 5, 6, 8, 10, 11, 13, 14, 15, 18 and 20 are not sufficiently correspond to the allowed claims 1 – 12 in PCT/US2009/057755.

For example: claim 6, the recitation "a tracking assembly having a member defining detents biased to engagement with the movable element wherein engagement of the movable element with the detents provides a tactile indication of one or more designated positions" is not found to correspond to claim 4 as stated by applicant.

Another example: Claim 8, the recitation "the pivot for the second member defines the second axis of rotation at a location proximate to a first end portion of the second member; the plunger causes a force to be applied proximate to a second end portion of the second member at an opposite end of the second member from the first end portion; and the second contact surface is located between the first end portion and the second end portion" is not found to correspond to claim 5 as stated by applicant.

Note, claims 12, 16, 17 and 19 are dependent on non-correspond claims above.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 9/21/10



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STEVENS & SHOWALTER LLP
7019 CORPORATE WAY
DAYTON OH 45459-4238

In re application of	:	DECISION ON REQUEST TO
Adelsperger et al.	:	PARTICIPATE IN PATENT
Application No. 12/564,113	:	PROSECUTION HIGHWAY
Filed: September 22, 2009	:	PROGRAM AND PETITION
For: SWIVEL SEAT WITH	:	TO MAKE SPECIAL UNDER
ADJUSTABLE SWIVEL	:	37 CFR 1.102(d)
RESISTANCE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 29, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/12/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,140	09/22/2009	Katsushi Hirano	SUYEPI01US	7745
23623	7590	03/11/2011		
TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT 2165	PAPER NUMBER
			NOTIFICATION DATE 03/11/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
setoori@thepatentattorneys.com



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TUROC & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

In re Application of: K. HIRANO
Application No. 12/564,140
Attorney Docket #: **SUYEP101US**
Filed: September 22, 2009
For: **ELECTRONIC APPARATUS WITH
DICTIONARY FUNCTION**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PROGRAM
AND PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 28, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either
 - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims,
 - Or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - (i) validly claims priority to an application filed in the JPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim,
 - Or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - (i) validly claims priority to an application filed in the JPO, or

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Scott H. Hayes	:	DECISION ON PETITION
Application No. 12/564,171	:	TO WITHDRAW
Filed: September 22, 2009	:	FROM RECORD
Attorney Docket No. L59451 1011.1	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Jeffrey R. McFadden on behalf of all attorneys of record who are associated with Customer Number 26158.

All attorneys/agents associated with Customer Number 26158 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Lacy Enterprise, Inc.
9365 West NC Hwy. 152
Mooresville, NC 28115



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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Philip A. Townsend, et al. :
Application No. 12/564,179 :
Filed: September 22, 2009 :
Attorney Docket No. 20080664.CIP :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed July 1, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.


If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MINNESOTA MEDICAL DEVELOPMENT, INC.**
14305-21ST AVENUE NORTH, #100
PLYMOUTH, MN 55447



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,192	09/22/2009	Karen A.K. Moldenhauer	1472-007	7848

32905 7590 03/19/2012
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER

IBRAHIM, MEDINA AHMED

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
03/19/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES, P.C.
 858 HAPPY CANYON ROAD, SUITE 230
 CASTLE ROCK CO 80108

In re Application of:	:
Karen A.K. Moldenhauer	:
Serial No.: 12/564,192	: PETITION DECISION
Filed: September 22, 2009	:
Attorney Docket No.: 1586-051	:

This is in response to the petition under 37 CFR § 1.59(b), filed March 8, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 8, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,198	09/22/2009	Susumu SASAKI	1497.50171X00	7859
7590 06/08/2011 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER NELMS, DAVID C	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 06/08/2011	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,209	09/22/2009	Stephen Gregory THOMAS	0623.0970003/MAC	7890
26111 7590 11/08/2010 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BAUM, STUART F	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 11/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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NOV 08 2010

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
100 NEW YORK AVENUE, N.W.
WASHINGTON D.C. 20005-3934

In re Application of
Thomas et al.
Serial No.: 12/564,209
Filed: August 12, 2010
Attorney Docket No.: 0623.0970003/MAC

Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.144, filed on August 12, 2010, to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

A review of the file history shows that the application was filed under 35 USC 111 on September 22, 2009. The application included original claims 1-21, and a preliminary amendment cancelling claims 1-11, 13, and 20; and adding new claims 22-29 (a total of 16 pending claims).

A requirement for restriction was mailed to applicants on January 15, 2010. In this Office action, the examiner restricted the claims as follows:

- I. Claims 12, 14-19, 21 and 29, drawn to an isolated antisense nucleic acid that comprises a transcribable strand of DNA complementary to at least part of the strand of DNA that is naturally transcribed in a gene encoding a gibberellin 2-oxidase; vector, host cell, plant or method for preparing a plant comprising said nucleic acid, classified in class 536, subclass 24.5 for example.

II. Claims 22-28, drawn to an isolated nucleic acid that causes selective disruption of the expression of gibberellin 2-oxidase; a nucleic acid construct, plant cell or method comprising said nucleic acid, wherein said nucleic acid encodes a ribozyme, classified in class 800, subclass 278 for example.

The restriction requirement further required a sequence election as follows:
If Applicants elect Group II, Applicants are also to elect one amino acid sequence from claim 26.

On February 16, 2010, applicants elected, with traverse, the claims drawn to Group II, and the sequence of SEQ ID NO: 2.

On May 12, 2010, the examiner acknowledged the election of Group II, claims 22-28 to the extent that they read on the invention of SEQ ID NO: 2; further considered the traversal and found applicants arguments non-persuasive and made the restriction requirement FINAL. A first Office action on the merits was also mailed as a part of this same communication, in which claims 22-28 were rejected under 35 USC 112, first and second paragraph.

Applicants subsequently submitted the instant Petition under 37 C.F.R. 1.144 of August 12, 2010.

DISCUSSION

The application, file history, and petition filed on August 12, 2010 under 37 C.F.R. 1.144, to request review of the restriction requirement has been considered.

The restriction requirement was made on the basis that the inventions I (drawn to DNA complementary to at least part of the strand of DNA that is naturally transcribed in a gene encoding gibberellin 2-oxidase;) and II (drawn to an isolated nucleic acid that causes selective disruption of the expression of gibberellin 2-oxidase, wherein said nucleic acid encodes a ribozyme) were unrelated because nucleotide sequences encoding different proteins or encoding different nucleic acid molecules having distinct functions are structurally distinct chemical compounds and are unrelated to one another.

Applicants traversed the above requirement by arguing that the term "ribozyme" nowhere appears in the claims of restriction group II. Instead, these claims are drawn generally to "[a]n isolated nucleic acid that causes selective disruption of the expression of a gene or genes encoding a gibberellin 2-oxidase enzyme or enzymes." The Applicant argues that the quoted language is defined in the specification as including both anti-sense nucleic acids and ribozymes, and that the examiner has improperly

interpreted claims 22-28 as reading on only ribozymes. It is noted that the examiner also acknowledges this definition in their arguments maintaining the restriction on pages 2-3 of the action mailed on May 12, 2010. It is additionally noted that none of claims 22-28 appear to provide any limitation limiting the claims to one embodiment or the other.

While this decision remains silent as to the propriety of a specific requirement for restriction between anti-sense nucleic acids and ribozymes, it is agreed that claims 22-28 as presently drafted are generic to both types of nucleic acids.

Applicants' argument has been carefully considered and found to be persuasive. Accordingly, claims 12, 14-19, and 21-29 can be examined together.

DECISION

For these reasons, the petition under 37 C.F.R. 1.144 requesting that the full scope of claims 12, 14-19, and 21-29 be examined together is **GRANTED**.

The application will be forwarded to the examiner to take appropriate action as a result of this petition decision.

Should there be any questions regarding this decision, please contact Special Program Examiner Marianne Seidel, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.



Jacqueline M. Stone
Director, Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,212	09/22/2009	Karen A.K. Moldenhauer	1472-008	7897

32905	7590	03/28/2012
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108		

EXAMINER	
IBRAHIM, MEDINA AHMED	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
03/28/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES, P.C.
 858 HAPPY CANYON ROAD, SUITE 230
 CASTLE ROCK CO 80108

In re Application of:
 Karen A.K. Moldenhauer
 Serial No.: 12/564,212
 Filed: September 22, 2009
 Attorney Docket No.: 1472-008

MAR 28 2012

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed March 19, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 19, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,239	09/22/2009	Hiroyuki Miyazaki	1497.50207X00	7959

EXAMINER	
NELMS, DAVID C	

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
05/27/2011	PAPER

7590 05/27/2011
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee, are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
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MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND OH 44114-2653

MAILED

JUL 14 2011

In re Application of : OFFICE OF PETITIONS
John Stockwell et al. :
Application No. 12/564,300 : DECISION ON PETITION
Filed: September 22, 2009 :
Attorney Docket No. **10476-PENDING** :

This is a decision on the petition under 37 CFR 1.182, filed June 30, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.


Office records have been corrected to reflect the change in the order of the named inventors as follows:

Albert Benedetti
John Stockwell

A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to the Technology Center AU 3671 for normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at 571-272-4584.


JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/564,300	09/22/2009	3671	527	10476-PENDING	20	3

CONFIRMATION NO. 8097

CORRECTED FILING RECEIPT



OC000000048776537

33772
MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND, OH 44114-2653

Date Mailed: 07/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Albert Benedetti, Broadview Heights, OH;
John Stockwell, Maple Heights, OH;

Power of Attorney: The patent practitioners associated with Customer Number 33772

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/192,757 09/22/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/02/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/564,300**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

RECYCLING ASPHALT APPARATUS

Preliminary Class

404

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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HAEMONETICS CORPORATION
400 WOOD ROAD
BRAINTREE MA 02184-9114

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of
Wong
Application No. 12/564,317
Filed: September 22, 2009
Attorney Docket No. SB08/PT02

ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 4, 2011.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application mailed November 17, 2009, which set a shortened period for reply of two (2) months from its mailing date. A response was filed November 19, 2009. On December 2, 2009, a Notice of Incomplete Reply was mailed which set no new period for reply and stated that the period for reply remained as set forth in Notice of November 17, 2009. A response was filed December 3, 2009. On December 11, 2009, a Notice of Incomplete Reply was mailed which set no new period for reply and stated that the period for reply remained as set forth in Notice of November 17, 2009. No response was received and the application became abandoned on January 18, 2010. A Notice of Abandonment was mailed October 15, 2010.

In the instant petition, petitioner maintains that the Notice was never received by the present agent of record and that the holding of abandonment should be withdrawn accordingly.

A review of the application file and the Office computer records relative to the subject application file reveals that on November 17, 2009 (the date the notice was mailed), the address of record was listed as the offices of "The von Hellens Law Firm, LTD". This remained the address of record for all subsequent filings until a power of attorney and request to change the correspondence address of record was filed March 17, 2010, changing the address of record to Haemonetics Corporation.

Title 37 of the Code of Federal Regulations section 1.33(a) and Section 601.03 provides that the applicant must promptly notify the Office of a change in the correspondence address and further states that:

... where an application becomes abandoned as a consequence of a change of correspondence address ...an adequate showing that due care was taken to adhere to the requirement of prompt notification ... of the change of address. ...and must include an adequate showing that a timely notification of the change of address was filed in the application concerned and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

Accordingly, the failure of applicant to receive the notice at the address of Haemonetics Corporation does not warrant a withdrawal of the holding of abandonment if petitioner did not promptly notify the Office of the correction to the correspondence address for the application. The USPTO is obliged to send correspondence to the address provided by applicant. In this case, it appears that the USPTO sent the correspondence to the address of record—the obligation of the USPTO relative to delivering correspondence goes no further than this. Withdrawal of the holding of abandonment is not appropriate in this instance; the petition is dismissed accordingly.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee (\$1,620.00 for a large entity and \$810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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AUG 17 2011

OFFICE OF PETITIONS

HAEMONETICS CORPORATION
400 WOOD ROAD
BRAINTREE MA 02184-9114

In re Application of
Wong
Application No. 12/564,317
Filed: September 22, 2009
Attorney Docket No. **SB08/PT02**

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on January 18, 2010, for failure to respond to the Notice to File Corrected Application Papers mailed November 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,355	09/22/2009	Masayuki YAZAWA	09615/LH	8211

EXAMINER	
HAROLD, JEFFEREY.F	

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
02/18/2011	PAPER

7590 02/18/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

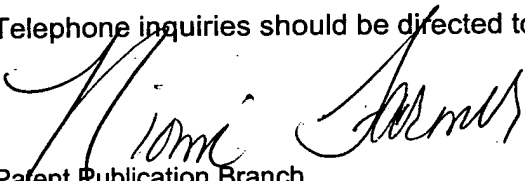
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO FL 32802-3791

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of
Chris John Reichart et al.
Application No. 12/564,384
Filed: September 22, 2009
Attorney Docket No: 0115299

ON PETITION

This is a decision on the petition filed May 18, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed August 2, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned November 3, 2010. Accordingly, a Notice of Abandonment was mailed April 29, 2011.

This matter is being referred to Technology Center 1725 for appropriate action on the amendment filed May 18, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



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HERBERT L. ALLEN
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO FL 32802-3791

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of
Chris John Reichart et al.
Application No. 12/564,442
Filed: September 22, 2009
Attorney Docket No: 0115300

ON PETITION

This is a decision on the petition filed May 18, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed July 20, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned October 21, 2010. Accordingly, a Notice of Abandonment was mailed April 4, 2011.

This matter is being referred to Technology Center 1725 for appropriate action on the amendment filed May 18, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of
Scott P. Flyod, et al.
Application No. 12/564,459
Filed: September 22, 2009
Attorney Docket No. 052541/379529

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Alston & Bird, LLP Campbell has been revoked by the assignee of the patent application on April 29, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of
Robson Splane
Application No. 12/564,491
Filed: September 22, 2009
Attorney Docket No. 09-22337

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition, filed October 12, 2010, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely file a proper reply to the nonfinal Office action mailed January 5, 2007.

However, a review of Office records indicates that the response/amendment submitted on May 5, 2010 was never replied to by the examiner.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3764 for appropriate action by the Examiner in the normal course of business on the reply received May 5, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,505	09/22/2009	Kentaro Okuyama	3712174-01713	8529
29175	7590	10/14/2010	EXAMINER	
K&L Gates LLP			NELMS, DAVID C	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690			PAPER NUMBER	
			2871	
			NOTIFICATION DATE	
			DELIVERY MODE	
			10/14/2010	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com



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**K&L Gates LLP
P. O. BOX 1135
CHICAGO IL 60690**

**In re Application of
OKUYAMA et al.
Application No.: 12/564,505
Filed: 22 September 2009
Attorney Docket No.: 3712174-01713
For: RETARDATION FILM, METHOD
OF MANUFACTURING THE SAME,
AND DISPLAY**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 01 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young
TQAS
Technology Center 2800

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/564,514	Filing date:	September 22, 2009
First Named Inventor:	Jonathan Eagle		

Title of the
Invention: Integrated Measurement System for Use With Surgical Fluid Salvage Containers

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/US10/48452

The international filing date of the corresponding
PCT application(s) is/are: September 10, 2010

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/564,514
First Named Inventor:	Jonathan Eagle

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/Jonathan C. Lovely, #60,821/</u>	Date <u>February 18, 2011</u>
Name (Print/Typed) <u>Jonathan C. Lovely</u>	Registration Number <u>60,821</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,514	09/22/2009	Jonathan Eagle	1611/A57	8548
2101 7590 04/26/2011 Sunstein Kann Murphy & Timbers LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER KIM, SUN U	
			ART UNIT 1777	PAPER NUMBER
			NOTIFICATION DATE 04/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SUNSTEINLAW.COM



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CT

April 25, 2011

In re application of	:	DECISION ON REQUEST TO
Jonathan Eagle et al	:	PARTICIPATE IN PATENT
Serial No. 12/564,514	:	PROSECUTION HIGHWAY
Filed: September 22, 2009	:	PROGRAM AND
For: INTEGRATED MEASUREMENT	:	PETITION TO MAKE SPECIAL
SYSTEM FOR USE WITH	:	UNDER 37 CFR 1.102(a)
SURGICAL FLUID SALVAGE	:	
CONTAINERS	:	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 18, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 12/564,514

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

It is noted that applicant did not provide a copy of the claims from PCT/US10/48452. While a copy of the claims from this PCT was obtained (the claims of the PCT were in English), it is suggested that applicant provide a copy of the claims in any future requests.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,530	09/22/2009	Thomas Karl Hoffman	1423-153	8579

32905	7590	05/27/2011
JONDLE & ASSOCIATES, P.C.		
858 HAPPY CANYON ROAD, SUITE 230		
CASTLE ROCK, CO 80108		

EXAMINER	
BAUM, STUART F	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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MAY 27 2011

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JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of: :
 Thomas K. Hoffman :
 Serial No.: 12/564,530 : PETITION DECISION
 Filed: September 22, 2009 :
 Attorney Docket No.: 1423-153 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 18, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 18, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/564,530	09/22/2009	Thomas Karl Hoffman	1423-153	8579
32905 7590 09/30/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER BAUM, STUART F	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 09/30/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

Thomas K. Hoffman

Serial No.: 12/564,530

Filed: September 22, 2009

Attorney Docket No.: 1423-153

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:
:

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 28, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on May 18, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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MAILED

OCT 07 2010

OFFICE OF PETITIONS

DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

In re Application of
Laframboise, Dlugie, Koester, Thimm, Potes, Jr.,
Sabbagh, Gomez, Lee and Doerer
Application No.: 12/564,551
Filed: September 22, 2009
Docket No.: 21407-00239

:
:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:
:
:

This is a decision in response to the renewed petition filed July 27, 2010, which is properly being treated under the provisions of 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Joon Kyu Lee, has refused to join in the filing of the above-identified application.

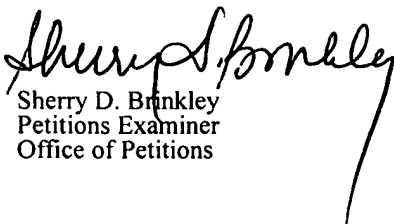
The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). It is noted that, while the declaration submitted on March 25, 2010 is signed by all of the available joint inventors on behalf of themselves and the non-signing inventor, the declaration also contains a signature in the non-signing inventor's signature block of a Sandra J. Quick, who is not a joint inventor. Since it is inappropriate under 37 CFR 1.47(a) for someone other than an inventor to signed on behalf of the non-signing inventor, the signature of Sandra J. Quick is being disregarded. With this understanding, the declaration of March 25, 2010 is accepted.

This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3636 for appropriate action, including notifying applicant of the new status of this application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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OCT 07 2010

OFFICE OF PETITIONS

MR. JOON KYU LEE
12312 BRANWOOD DRIVE
RIVERSIDE, CA 92503

In re Application of :
Laframboise, Dlugé, Koester, Thimm, :
Potes, Sabbagh, Gomez, Lee and Doerer : **LETTER**
Application No.: 12/564,551 :
Filed: September 22, 2009 :
For: CLOSED CELL FOAM VEHICLE :
INTERIOR COMPONENT AND METHOD :
OF MAKING SAME :

Dear Mr. Lee:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DICKINSON WRIGHT PLLC
38525 WOODWARD AVENUE
SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAT SWEENEY
ATTN: PHI
1835 PLEASANT ST.
WEST DES MOINES, IA 50265

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of
Marc C. ALBERTSEN, et al.
Application No. 12/564,684
Filed: September 22, 2009
Attorney Docket No. **1148R2D4**

DECISION ON PETITION
UNDER 37 CFR 1.313(c)(1)

This is a decision on the petition under 37 CFR 1.313(c), filed September 9, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

As such, a grantable petition requesting withdrawal of an application from issue must also be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h).

The petition fee of \$130 and Request for Continued Examination fee of \$810 were not submitted with the petition and no authorization to charge the deposit account was provided.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

PETITIONER IS REMINDED THAT THE FILING OF ANY RENEWED PETITION TO WITHDRAW FROM ISSUE MAY NOT BE RECOGNIZED OR EFFECTIVE IF NOT RECEIVED BY THE APPROPRIATE DECIDING OFFICIAL IN TIME TO ACT PRIOR TO ISSUANCE. NOTE 37 CFR 1.313(d). IT IS RECOMMENDED THAT THE FACSIMILE NUMBER LISTED BELOW BE USED TO FILE THE RENEWED PETITION.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

MAILED

APR 04 2011

OFFICE OF PETITIONS

Applicant: Raymond, et al.
Appl. No.: 12/564,747
Filing Date: September 22, 2009
Title: Indene Derivatives As Pharmaceutical Agents
Atty. Docket No. 120164.413D1
Pub. No.: US 2010/0152220 A1
Pub. Date: June 17, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 20, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, resulting from faulty optical character recognition.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/14/2011
TO SPE OF : ART UNIT 3676
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/564779 Patent No.: 7918288 B2
CofC mailroom date: 6/27/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Shawn
SPE

3676
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEVINE BAGADE HAN, LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

MAILED

SEP 30 2010

In re Application of

Richard P. HEYDT, et al.

Application No. 12/564,793

Filed: September 22, 2009

Attorney Docket No. **SRIN-N-A116.01-US**

: **OFFICE OF PETITIONS**

:

:

:

:

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:

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **LEVINE BAGADE HAN, LLP** has been revoked by the assignee of the patent application on September 8, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **BAYER MATERIAL SCIENCE, LLC**
100 BAYER ROAD
PITTSBURGH, PA 15205



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Hansen IP Law PLLC
P.O. Box 300069
Waterford MI 48330

MAILED

NOV 01 2010

OFFICE OF PETITIONS

In re Application of
Ludwig J. Weiman, et al.
Application No. 12/564,808
Filed: September 22, 2009
Attorney Docket No. 5003-0002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed October 6, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.


If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions



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**Hansen IP Law PLLC
P.O. Box 300069
Waterford, MI 48330**

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of

Ludwig J. Weimann, et al.

Application No. 12/564,808

Filed: September 22, 2009

Attorney Docket No. 1920.001

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Hansen IP Law PLLC has been revoked by the assignee of the patent application on November 11, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BUSKOP LAW GROUP, P.C.
4511 Dacoma Street
Houston, TX 77092**



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PVF -- APPLE INC.
c/o PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of :
Bhardwaj et al. :
Application No. 12/564,816 : **ON PETITION**
Filed: 09/22/2009 :
Attorney Docket Number: APL-P8266USX1 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) to Accept Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on November 10, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

As color drawings or photographs are not necessary for an understanding of the invention sought to be patented, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2858.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 02 2010

OFFICE OF PETITIONS

**BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE
SUITE 2200
PHOENIX AZ 85004**

In re Application of :
Jason Giffin, et al. :
Application No. 12/564,831 : **DECISION ON PETITION**
Filed: September 22, 2009 :
Attorney Docket No. 0234982 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 8, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 9, 2009. The Notice of Abandonment was mailed June 17, 2010.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration and \$130 surcharge, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988)*. Since the \$2,350 extension of time fee submitted with the petition on July 14, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received.


Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HITACHI C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE CA 95076

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Nishiyama, et al. :
Application No. 12/564,885 :
Filed: September 22, 2009 :
Attorney Docket No. **HJP920080041US1** :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 3, 2009, for failure to respond to the Notice to File Missing Parts of Non-Provisional Application mailed October 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration; (2) the petition fee of \$1620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPHEN CHRISTOPHER SWIFT
SWIFT LAW OFFICE
2121 EISENHOWER AVENUE
SUITE 200
ALEXANDRIA, VA 22314-4688

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of
Bruce Gary Wilder
Application No. 12/564,916
Filed: September 22, 2009
Attorney Docket No.: 5-7

**DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the petition, filed May 18, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on September 20, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 15, 2011 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 3637.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

| ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/564,916	09/22/2009	Bruce Gary Wilder	5-7

23772
Stephen Christopher Swift
Swift Law Office
2121 Eisenhower Avenue
Suite 200
Alexandria, VA 22314-4688

CONFIRMATION NO. 9418
NONPUBLICATION RESCISSION
LETTER



Date Mailed: 06/08/2011

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 6, 2011

TO SPE OF : ART UNIT 3651 SPE Gene O. Crawford.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/565,269 Patent No.: 8,006,827 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the change in claim 37, column 24, line 37, after "and" insert "a belt" be approved as requested by applicant?

See COCIN dated 11-14-2011

Antonio Johnson

Certificates of Correction Branch
(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER
SPE _____ Art Unit 3651



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON, TX 77070**

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of :
Sirota et al. :
Application No. 12/565,287 : **DECISION ON PETITION**
Filed: September 23, 2009 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 0081-166001 :
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 17, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the address listed below until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Brake Hughes Bellermann LLP
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402



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Nathan & Associates Patent Agents LTD
P.O.Box 10178
Tel Aviv 61101 IL ISRAEL

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Gover et al. :
Application No.: 12/565302 : **ON PETITION**
Filing or 371(c) Date: 09/23/2009 :
Attorney Docket Number: 09-1000-1 :

This is a decision on the "Petition Under 37 C.F.R. 1.182 to change the order of inventors names," filed on May 10, 2011.

The petition is **granted**.

The order of the names of the inventors has been be changed as follows:

- 1 Avraham Gover
2. Menachem Nathan
3. Yotam Schatzberg

A Corrected Filing Receipt is enclosed reflecting the change is enclosed herewith.

This application is being referred to the Office of Patent Publications to await Applicants reply to the Notice of Allowance and Issue Fee Due, mailed May 16, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/565,302	09/23/2009	2817	488	09-1000-1	21	3

CONFIRMATION NO. 1218

CORRECTED FILING RECEIPT



OC000000048223302

92342

Nathan & Associates Patent Agents LTD
P.O. Box 10178
Tel Aviv, 61101
ISRAEL

Date Mailed: 06/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

AVRAHAM GOVER, RAMAT HASHARON, ISRAEL;
MENACHEM NATHAN, TEL AVIV, ISRAEL;
YOTAM SCHATZBERG, TEL AVIV, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number 92342

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/099,592 09/24/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/05/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/565,302**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SOLID STATE TERAHERTZ RADIATION FREQUENCY MULTIPLIER

Preliminary Class

331

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: RZ-009

Application Number
(if known): 12/565,308

Filing date: 09/23/2009

First Named
Inventor: Robert Zubrin, et al.

Title: Systems and methods for generating electricity from carbonaceous material with substantially no carbon dioxide emissions

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Danial Hussain/

Date 02/17/2011

Name Danial Hussain
(Print/Typed)

Registration Number 59,026

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.



*Total of ¹ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert Zubrin, et al.
Docket No. : RZ-009
Serial No. : 12/565,308
For : Systems and methods for generating electricity from carbonaceous material with substantially no carbon dioxide emissions
Filed : 09/23/2009
Confirmation : 1228

GREEN TECH PILOT PROGRAM

STATEMENT IN SUPPORT OF SPECIAL STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

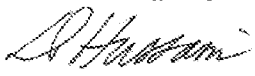
Applicants are hereby submitting that the present application relates to greenhouse gas reduction in order to meet the requirements of the Green Tech Pilot Program. As stated in section III of the Notice, Applicants must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the basis for the special status of the invention.

The invention relates to “systems and methods for generating electricity from carbonaceous material with substantially no carbon dioxide emissions.” More specifically, paragraph 2 of the Specification states that “this invention relates to a system and method for generating “green electricity” having substantially zero or very low CO₂ emissions from a carbonaceous feedstock.”

Accordingly, Applicants respectfully request grant of the Green Tech Pilot Special Status Petition and a speedy examination of this application on the merits.

Sincerely yours,

American Patent Agency PC

By: 

Daniar Hussain
Registration No. 59,026
(617) 899-9709



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/565,308	09/23/2009	Robert M. Zubrin	RZ-009	1228
65513	7590	03/07/2011		
American Patent Agency PC 230 N Craig Street Unit 605 Pittsburgh, PA 15213			EXAMINER WONGWIAN, PHUTTHIWAT	
			ART UNIT 3741	PAPER NUMBER
			NOTIFICATION DATE 03/07/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

company@american-patent-agency.com
dan@apvusa.com
albert@apvusa.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

American Patent Agency PC
230 N Craig Street
Unit 605
Pittsburgh PA 15213

In re Application of	:	
ZUBRIN, ROBERT M. et al	:	DECISION ON PETITION
Application No. 12/565,308	:	TO MAKE SPECIAL UNDER
Filed: Sep. 23, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. RZ-009	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 22, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 24,2011

In re Application of :

Hsin-Hsien LI

Application No : 12565339

Filed : 23-Sep-2009

Attorney Docket No : 054947/374620

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 24,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12565339	
Filing Date	23-Sep-2009	
First Named Inventor	Hsin-Hsien LI	
Art Unit	2819	
Examiner Name	DON LE	
Attorney Docket Number	054947/374620	
Title	LOW POWER LINE DRIVER AND METHOD THEREOF	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Veronica Weinstein/
Name	Veronica Weinstein
Registration Number	43252



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/565,363	09/23/2009	Hironori OHNISHI	Q114898	1330
7590 03/14/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER ROLLAND, ALEX A	
			ART UNIT 1712	PAPER NUMBER
			NOTIFICATION DATE 03/14/2011	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Decasper et al.	:	DECISION ON PETITION
Application No. 12/565,401	:	TO WITHDRAW
Filed: September 23, 2009	:	FROM RECORD
Attorney Docket No. 2006579-1815 (CTX-279CON)	:	

This is a decision on the Request to Withdraw as Attorney or Agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40, filed November 10, 2010.

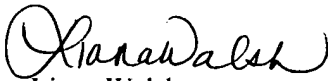
The request is **DISMISSED**.

A review of the file record indicates that Brenda Herschbach Jarrell and the attorneys/agents of Choate, Hall & Stewart: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

The change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

There is an outstanding Office action, mailed November 10, 2010, which requires a reply. Failure to timely and properly do so will result in abandonment of the instant application.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

JAN 31 2012

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Pugh et al. :
Application No. 12/565,407 :
Filed: September 23, 2009 :
Attorney Docket No. VTN5231USNP :
For: ENERGIZED MEDIA FOR AN :
OPHTHALMIC DEVICE :

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 2012. The petition will be treated under 37 CFR 1.181, as a request that the Office withdraw the holding of abandonment of the above-identified application.

The constructive petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed June 30, 2011, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on November 1, 2011 for failure to reply to the June 30, 2011 non-final Office action. No Notice of Abandonment has been mailed.

A review of the application file reveals that an amendment and authorization to charge a three month \$1,270.00 extension of time were filed on December 30, 2011, but unfortunately misplaced in another application file. This error has been rectified. The papers filed on December 30, 2011 have been scanned into the above-identified application. Office financial records shows that the required three month extension of time fee was charged on January 10, 2012. The Office was in possession of an authorization to charge the required fee on December 30, 2011. Therefore, the three month extension of time and amendment were timely filed.

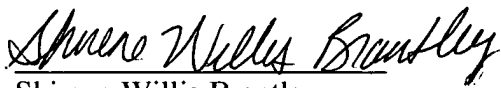
The constructive petition under 37 CFR 1.181 is **granted** and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

Regarding finances, petitioners were charged a four month extension of time on January 6, 2012. Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the

maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1980.00 extension of time submitted with the petition was submitted subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and was credited to petitioners' deposit account on January 10, 2012. In addition, the \$1,860.00 Rule 137(b) petition fee will be refunded because relief was granted under 37 CFR 1.181.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 1742 for consideration of the amendment filed on December 30, 2011.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 29, 2011

In re Application of :

Takuya FUTATSUYAMA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12565439

Filed : 23-Sep-2009

Attorney Docket No : 348592US2S

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2893 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12565439	
Filing Date	23-Sep-2009	
First Named Inventor	Takuya FUTATSUYAMA	
Art Unit	2893	
Examiner Name	NIKOLAY YUSHIN	
Attorney Docket Number	348592US2S	
Title	SEMICONDUCTOR DEVICE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items: (1) Petition fee; and (2) One of the following reasons: (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
Petition Fee <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eckhard H. Kuesters/
Name	Eckhard H. Kuesters
Registration Number	28870



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**The Dow Chemical Company
P.O. BOX 1967
2040 Dow Center
Midland MI 48641**

**MAILED
JUL 19 2011
OFFICE OF PETITIONS**

In re Application of :
Zenon Lysenko, et al. :
Application No. 12/565,446 : **DECISION ON PETITION**
Filed: September 23, 2009 :
Attorney Docket No. 63104A-US-DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 28, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 29, 2011. The Notice of Abandonment was mailed June 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1622 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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**CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Charles Bernard VALOIS, et al	:	
Application No. 12/565,492	:	DECISION ON PETITION
Filed: September 23, 2009	:	TO WITHDRAW
Attorney Docket No. 2007719-0012 (12S-008)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 24, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Additionally, the request cannot be approved because the change of correspondence address is to a new practitioner or law firm, however, is not accompanied by a proper power of attorney.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Pillsbury Winthrop Shaw Pittman, LLP (NV)
PO Box 10500
McLean VA 22102

MAILED

DEC 13 2011

OFFICE OF PETITIONS

In re Application of :
Bathe et al. :
Application No.12/565,533 : DECISION ON PETITION
Filed: September 23, 2009 :
Attorney Docket No. 021123- :
0382053 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 14, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is August 15, 2011.

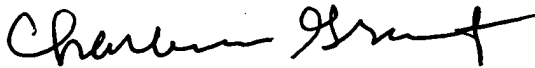
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Notice of Appeal and fee; (2) the petition fee of \$1860.00; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$710 extension of time fee submitted on December 1, 2011 was subsequent to the maximum extendable period for reply, the fees will be refunded to deposit account 03-3975.

The two-month period for filing an appeal brief under 37 CFR 41.37(a)(1), accompanied by the fee required by 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1656 for processing in the normal course of business.

A handwritten signature in black ink, appearing to read "Charlema Grant", is written over the typed name.

Charlema Grant
Attorney Advisor
Office of Petitions



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PITTS LAKE & BELL PC
P.O. BOX 51295
KNOWVILLE TN 37950-1295

MAILED
NOV 01 2011
OFFICE OF PETITIONS

Applicant: Ronald Nutt, et al.
Appl. No.: 12/565,544
Filing Date: September 23, 2009
Title: DOSE SYNTHESIS MODULE FOR BIOMAKER GENERATOR SYSTEM
Attorney Docket: 35213.00
Pub. No.: US 20110070160 A1
Pub. Date: March 24, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 25, 2011 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor on the front page of the publication in the title of the invention is not a material Office error under 37 CFR 1.221(b). The mistake is a minor typographical error and it does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On October 27, 2009, a Filing Receipt was mailed by the Office, which improperly listed the title. To avoid this type of problem in the future, applicant’s representative should correct the

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON, TX 77070**

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Michel Laviolette	:	
Application No. 12/565,549	:	DECISION ON PETITION
Filed: September 23, 2009	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 0081-181001	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 15, 2011 the power of attorney to Wong, Cabello, Lutsch, Rutherford & Brucculeri L.L.P. was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Brake Hughes Bellermann LLP
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402



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Nelson Mullins Riley & Scarborough LLP
IP Department
100 North Tryon Street
42nd Floor
Charlotte NC 28202-4000

MAILED
AUG 10 2011
OFFICE OF PETITIONS

In re Application of :
Josip Simunovic et al. :
Application No. 12/565,580 : **DECISION ON PETITION**
Filed: September 23, 2009 :
Attorney Docket No. 38278/09001-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed October 13, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 14, 2009. The Notice of Abandonment was mailed on June 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,175 extension of time fee submitted with the petition on July 27, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received July 27, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS		
Application Number	12565616		
Filing Date	23-Sep-2009		
First Named Inventor	Eric Simon		
Art Unit	3739		
Examiner Name	KAITLYN SMITH		
Attorney Docket Number	38151/4		
Title	AIRFLOW APPLICATORS AND RELATED TREATMENT METHODS		
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32642 _____	
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)			
Certifications			
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment			
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled			
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond			
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 102983 _____			
I am authorized to sign on behalf of myself and all withdrawing practitioners.			
Signature	/R. Whitney Johnson/		
Name	R. Whitney Johnson		
Registration Number	62997		



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 16, 2012

In re Application of :

Eric Simon

Application No : 12565616

Filed : 23-Sep-2009

Attorney Docket No : 38151/4

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 16, 2012

The request is **APPROVED**

The request was signed by R. Whitney Johnson (registration no. 62997) on behalf of all attorneys/agents associated with Customer Number 32642 . All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102983 .

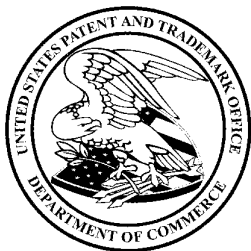
As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12565654	
Filing Date	23-Sep-2009	
First Named Inventor	Alexander Smith	
Art Unit	3662	
Examiner Name	DAO PHAN	
Attorney Docket Number	ERA-0046	
Title	MULTILATERATION ENHANCEMENTS FOR NOISE AND OPERATIONS MANAGEMENT	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(2) 10.40(c)(1)(iv) 10.40(c)(1)(vi) 10.40(c)(2)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Dobroslav Musil Patent Office	
Address	Cejl 38	
City	Brno	
State		

Postal Code	602 00
Country	CZ
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/RobertPlattBell/
Name	Robert Platt Bell
Registration Number	34546



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : December 27, 2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Alexander Smith

ATTORNEY/AGENT OF RECORD

Application No : 12565654

Filed: 23-Sep-2009

Attorney Docket No : ERA-0046

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed December 27, 2011

The request is **APPROVED**

The request was signed by Robert Platt Bell (registration no. 34546) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Dobroslav Musil
Name2 Patent Office
Address 1 Cejl 38
Address 2
City Brno
State
Postal Code 602 00
Country CZ

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Docket No.: P6761US3/63266-5209-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Christopher Brian FLEIZACH et al.

Application No.: 12/565,746

Confirmation No.: 1107

Filed: September 23, 2009

Art Unit: 2627

For: DEVICES, METHODS, AND GRAPHICAL
USER INTERFACES FOR ACCESSIBILITY
USING A TOUCH-SENSITIVE SURFACE

Examiner: Lixi Chow Simpson

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("746 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '746 application based on the express abandonment of copending U.S. Patent Application No. 12/567,695 ("695 application"), filed September 25, 2009, and entitled "DEVICE, METHOD, AND GRAPHICAL USER INTERFACE USING MID-DRAG GESTURES." A copy of a

Letter of Express Abandonment that is being concurrently filed in the '695 application is attached in the Appendix;¹

- The '746 application and the '695 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '746 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/29/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

Attachment

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: P8212US3/63266-5226US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter William RAPP et al.

Application No.: 12/567,695

Confirmation No.: 4839

Filed: September 25, 2009

Art Unit: 2627

For: DEVICE, METHOD, AND GRAPHICAL USER
INTERFACE USING MID-DRAG GESTURES

Examiner: Peter Vincent Agustin

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/565,746

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("695 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '695 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/565,746 ("746 application"), filed September 23, 2009, and entitled "DEVICES, METHODS, AND GRAPHICAL USER INTERFACES FOR ACCESSIBILITY USING A TOUCH-SENSITIVE

SURFACE." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '746 application;¹

- Applicants have not and will not file an application that claims the benefit of the '695 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '695 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '695 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/29/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



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Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of	:	
FLEIZACH, et al.	:	DECISION ON PETITION
Application No. 12/565,746	:	TO MAKE SPECIAL
Filed: September 23, 2009	:	37 CFR 1.102
Attorney Docket No. P6761US3/63266-5209-US	:	

This is a decision on the petition under 37 CFR 1.102, filed December 30, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010). The termination of the Patent Application Backlog Reduction Stimulus Plan was announced at 76 Federal Register Notice 77980 (December 15, 2011) setting forth that "the Patent Application Backlog Reduction Stimulus Plan has run its course and will not be extended beyond December 31, 2011."

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009. A grantable petition must also have been filed on or before December 31, 2011 as set forth in 76 FR 77980.

The present petition was filed before the expiration of December 31, 2011. As such, the USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and includes:

- a) a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

A handwritten signature in black ink, appearing to read 'Brian W. Brown', with a long horizontal line extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions

Docket No.: P7567US1/63266-5179-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bas ORDING et al.

Application No.: 12/565,750

Confirmation No.: 1126

Filed: September 24, 2009

Art Unit: 2173

For: METHODS AND GRAPHICAL USER
INTERFACES FOR EDITING ON A
MULTIFUNCTION DEVICE WITH A TOUCH
SCREEN DISPLAY

Examiner: Kieu D. Vu

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("750 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '750 application based on the express abandonment of copending U.S. Patent Application No. 11/966,863 ("863 application"), filed December 28, 2007, and entitled "LOCATION-BASED INFORMATION SERVICES." A copy of a Letter of Express Abandonment that is being concurrently filed in the '863 application is attached in the Appendix;¹

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection

- The '750 application and the '863 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '750 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By

Brett Alten

Registration No.: 42,258

Attorney of Record

Customer No. 61725

(408) 974-6524

Attachment

with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: 18962-096001/P5211US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Scott Forstall et al.

Application No.: 11/966,863

Confirmation No.: 5879

Filed: December 28, 2007

Art Unit: 2617

For: LOCATION-BASED INFORMATION
SERVICES

Examiner: Vladimir Magloire

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/565,750

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("863 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '863 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/565,750 ("750 application"), filed September 24, 2009, and entitled "METHODS AND GRAPHICAL USER INTERFACES FOR EDITING ON A MULTIFUNCTION DEVICE WITH A

TOUCH SCREEN DISPLAY." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '750 application;¹

- Applicants have not and will not file an application that claims the benefit of the '863 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '863 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '863 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/11/10

Respectfully submitted,

APPLE INC.

By 

Brett Alten

Registration No.: 42,258

Attorney of Record

Customer No. 26183

(408) 974-6524

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

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OFFICE OF PETITIONS

In re Application of
ORDING, et al.
Application No. 12/565,750
Filed: September 24, 2009
Attorney Docket No. **P7567US1/63266-5179-US**

**DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.


The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions

Docket No.: P7567US3/63266-5214-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bas ORDING et al.

Application No.: 12/565,752

Confirmation No.: 1128

Filed: September 24, 2009

Art Unit: 2173

For: METHODS AND GRAPHICAL USER
INTERFACES FOR EDITING ON A
MULTIFUNCTION DEVICE WITH A TOUCH
SCREEN DISPLAY

Examiner: Ting Zhou Lee

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("752 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '752 application based on the express abandonment of copending U.S. Patent Application No. 12/567,677 ("677 application"), filed September 25, 2009, and entitled "DEVICE, METHOD, AND GRAPHICAL USER INTERFACE USING MID-DRAG GESTURES." A copy of a

Letter of Express Abandonment that is being concurrently filed in the '677 application is attached in the Appendix;¹

- The '752 application and the '677 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '752 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/27/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

Attachment

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: P8212US1/63266-5200US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter William RAPP et al.

Application No.: 12/567,677

Confirmation No.: 4799

Filed: September 25, 2009

Art Unit: 2628

For: DEVICE, METHOD, AND GRAPHICAL USER
INTERFACE USING MID-DRAG GESTURES

Examiner: Michelle L. Sams

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/565,752

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("677 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '677 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/565,752 ("752 application"), filed September 24, 2009, and entitled "METHODS AND GRAPHICAL USER INTERFACES FOR EDITING ON A MULTIFUNCTION DEVICE WITH A

TOUCH SCREEN DISPLAY." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '752 application;¹

- Applicants have not and will not file an application that claims the benefit of the '677 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '677 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '677 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/27/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

MAILED
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OFFICE OF PETITIONS

In re Application of	:	
ORDING, et al.	:	DECISION ON PETITION
Application No. 12/565,752	:	TO MAKE SPECIAL
Filed: September 24, 2009	:	37 CFR 1.102
Attorney Docket No. P7567US3/63266-5214-US	:	

This is a decision on the petition under 37 CFR 1.102, filed December 28, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010). The termination of the Patent Application Backlog Reduction Stimulus Plan was announced at 76 Federal Register Notice 77980 (December 15, 2011) setting forth that "the Patent Application Backlog Reduction Stimulus Plan has run its course and will not be extended beyond December 31, 2011."

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009. A grantable petition must also have been filed on or before December 31, 2011 as set forth in 76 FR 77980.

The present petition was filed before the expiration of December 31, 2011. As such, the USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and includes:

- a) a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

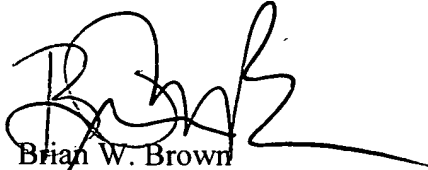
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

A handwritten signature in black ink, appearing to read 'Brian W. Brown', with a long horizontal flourish extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions

Docket No.: P7567US7/63266-5218-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth L. KOCIENDA et al.

Application No.: 12/565,756

Confirmation No.: 1132

Filed: September 24, 2009

Art Unit: 2173

For: METHODS AND GRAPHICAL USER
INTERFACES FOR EDITING ON A
MULTIFUNCTION DEVICE WITH A TOUCH
SCREEN DISPLAY

Examiner: Tadesse Hailu

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("756 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '756 application based on the express abandonment of copending U.S. Patent Application No. 12/567,689 ("689 application"), filed September 25, 2009, and entitled "DEVICE, METHOD, AND GRAPHICAL USER INTERFACE USING MID-DRAG GESTURES." A copy of a

Letter of Express Abandonment that is being concurrently filed in the '689 application is attached in the Appendix;¹

- The '756 application and the '689 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '756 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/27/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

Attachment

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: P8212US2/63266-5225US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter William RAPP et al.

Application No.: 12/567,689

Confirmation No.: 4825

Filed: September 25, 2009

Art Unit: 2627

For: DEVICE, METHOD, AND GRAPHICAL USER
INTERFACE USING MID-DRAG GESTURES

Examiner: Peter Vincent Agustin

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/565,756

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("689 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '689 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/565,756 ("756 application"), filed September 24, 2009, and entitled "METHODS AND GRAPHICAL USER INTERFACES FOR EDITING ON A MULTIFUNCTION DEVICE WITH A

TOUCH SCREEN DISPLAY." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '756 application;¹

- Applicants have not and will not file an application that claims the benefit of the '689 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '689 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '689 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/27/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers

Robert B. Beyers

Registration No.: 46,552

Attorney of Record

Customer No. 61725

(650) 843-4000

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of :
KOCIENDA, et al. :
Application No. 12/565,756 :
Filed: September 24, 2009 :
Attorney Docket No. P7567US7/63266-5218-US :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 28, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010). The termination of the Patent Application Backlog Reduction Stimulus Plan was announced at 76 Federal Register Notice 77980 (December 15, 2011) setting forth that "the Patent Application Backlog Reduction Stimulus Plan has run its course and will not be extended beyond December 31, 2011."

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009. A grantable petition must also have been filed on or before December 31, 2011 as set forth in 76 FR 77980.

The present petition was filed before the expiration of December 31, 2011. As such, the USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and includes:

- a) a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
- b) a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
- c) a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
- b) identifies, by application number if available, the application that is being expressly abandoned;
- c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
- d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center:

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

A handwritten signature in black ink, appearing to read 'BWB', is written over the printed name.

Brian W. Brown
Petitions Examiner
Office of Petitions

Docket No.: P7567US8/63266-5219-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bas ORDING et al.

Application No.: 12/565,757

Confirmation No.: 1133

Filed: September 24, 2009

Art Unit: 2173

For: METHODS AND GRAPHICAL USER
INTERFACES FOR EDITING ON A
MULTIFUNCTION DEVICE WITH A TOUCH
SCREEN DISPLAY

Examiner: Anita Chaudhuri

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("757 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '757 application based on the express abandonment of copending U.S. Patent Application No. 12/500,572 ("572 application"), filed July 9, 2009, and entitled "DEVICE AND METHOD FOR ADJUSTING A PLAYBACK CONTROL WITH A FINGER GESTURE." A copy

of a Letter of Express Abandonment that is being concurrently filed in the '572 application is attached in the Appendix;¹

- The '757 application and the '572 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '757 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/27/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

Attachment

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: P7406US1/63266-5191-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jorge FINO et al.

Application No.: 12/500,572

Confirmation No.: 2617

Filed: July 9, 2009

Art Unit: 2179

For: DEVICE AND METHOD FOR ADJUSTING A
PLAYBACK CONTROL WITH A FINGER
GESTURE

Examiner: Enrique W. Iturralde

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/565,757

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("572 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '572 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/565,757 ("757 application"), filed September 24, 2009, and entitled "METHODS AND GRAPHICAL USER INTERFACES FOR EDITING ON A MULTIFUNCTION DEVICE WITH A

TOUCH SCREEN DISPLAY." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '757 application;¹

- Applicants have not and will not file an application that claims the benefit of the '572 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '572 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '572 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 12/27/11

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Robert B. Beyers
Robert B. Beyers
Registration No.: 46,552
Attorney of Record
Customer No. 61725
(650) 843-4000

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto CA 94306

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of	:	
ORDING, et al.	:	DECISION ON PETITION
Application No. 12/565,757	:	TO MAKE SPECIAL
Filed: September 24, 2009	:	37 CFR 1.102
Attorney Docket No. P7567US8/63266-5219-US	:	

This is a decision on the petition under 37 CFR 1.102, filed December 28, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal Register Notice 36063 (June 24, 2010). The termination of the Patent Application Backlog Reduction Stimulus Plan was announced at 76 Federal Register Notice 77980 (December 15, 2011) setting forth that "the Patent Application Backlog Reduction Stimulus Plan has run its course and will not be extended beyond December 31, 2011."

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009. A grantable petition must also have been filed on or before December 31, 2011 as set forth in 76 FR 77980.

The present petition was filed before the expiration of December 31, 2011. As such, the USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and includes:

- a) a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

A handwritten signature in black ink, appearing to read 'B. Brown', with a long horizontal line extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/565,841	09/24/2009	Takashi Yahata	SUYEP103US	1285
23623 7590 03/22/2011 TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER YE, LIN	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 03/22/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
setoori@thepatentattorneys.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TUROC & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND OH 44114

In re Application of	:	
YAHATA, TAKASHI	:	DECISION ON REQUEST TO
Application No. 12/565,841	:	PARTICIPATE IN PATENT
Filed: September 24, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. SUYEP103US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 28, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12565879	
Filing Date	24-Sep-2009	
First Named Inventor	James Trujillo	
Art Unit	3751	
Examiner Name	LAUREN HEITZER	
Attorney Docket Number	TRUJ-010	
Title	Water Level Control Device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	James Trujillo	
Address	2239 Sheridan Ranch Circle	
City	Plumas Lake	
State	CA	
Postal Code	95961	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Michael S. Neustel/
Name	Michael S. Neustel
Registration Number	41221



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 27, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

James Trujillo

ATTORNEY/AGENT OF RECORD

Application No : 12565879

Filed: 24-Sep-2009

Attorney Docket No : TRUJ-010

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 27, 2012

The request is **APPROVED**

The request was signed by Michael S. Neustel (registration no. 41221) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name James Trujillo
Name2
Address 1 2239 Sheridan Ranch Circle
Address 2
City Plumas Lake
State CA
Postal Code 95961
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: 81196727

Application Number
(if known): 12565948

Filing date: 2009-09-24

First Named
Inventor: Kai Sebastian Kuhlbach

Title: CYLINDER HEAD FOR AN INTERNAL COMBUSTION ENGINE

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David S. Bir/

Date 03-03-2011

Name
(Print/Typed) David S. Bir

Registration Number 38383

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

☐ *Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/565,948	09/24/2009	Kai Sebastian Kuhlbach	81196727	1484
28395 7590 03/18/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER MCMAHON, MARGUERITE J	
			ART UNIT 3783	PAPER NUMBER
			MAIL DATE 03/18/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of
KUHLBACH, KAI SEBASTIAN et al
Application No. 12/565,948
Filed: Sep. 24, 2009
Attorney Docket No. 81196727

:
:
:
:
:
DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed outside combined duct, e.g. a manifold separate from individual ducts of inside cylinders, coupled to the individual ducts of outside cylinders will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3747

In re application of:

Group Art Unit: 3783

KAI SEBASTIAN KUHNBACH

Examiner: Marguerite McMahon

Serial No.: 12/565,948

Filed: September 29, 2009

For: CYLINDER HEAD FOR AN INTERNAL COMBUSTION
ENGINE

Attorney Docket No.: 81196727

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 18, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 7, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 7, 2011. The decision stated that it was not clear how the claimed invention meets the requirements.

As explained in the statement filed with the petition on March 7, 2011, the claimed invention is directed to a cylinder head having an outside combined duct that integrates the exhaust manifold into the cylinder head. By integrating the exhaust manifold in the cylinder head as claimed, it is possible to reduce, or possibly dispense with, fuel enrichment otherwise

required to cool the turbocharger. Eliminating fuel enrichment improves fuel economy, which materially contributes to the conservation of energy resources. In addition, improved fuel economy also materially contributes to the reduction of greenhouse gas emissions.

As describe in detail in the specification, the exhaust exiting the engine may be fed to a turbine of an exhaust turbocharger and/or exhaust gas aftertreatment devices. To ensure that the exhaust gases entering the turbocharger and/or aftertreatment devices are hot, to achieve a rapid lightoff of the aftertreatment devices, and to reduce turbocharger lag, it is desirable to mount the turbocharger and/or aftertreatment devices close to the location that the exhaust gases exit the combustion chamber. A cylinder head with an integrated exhaust manifold and with liquid cooling is disclosed, for example, in EP 1 722 090 A2 in which a compact cylinder head is provided. The cooling of the cylinder head described in EP 1 722 090 A2 proved to be inadequate in practice due to thermal loading in the region where the exhaust gas ducts converge into the overall exhaust duct. To prevent melting, the fuel/air mixture is enriched whenever high exhaust gas temperatures are expected, which results in more fuel being injected than can be burned by the air quantity provided, thus a penalty in fuel economy.

In gasoline engines, it is known, at high torque levels, to enrich the fuel/air mixture to lower exhaust gas temperature. By integrating the exhaust manifold in the cylinder head according to an embodiment of the disclosure, it is possible to reduce, or possibly dispense with, enrichment. This improves fuel economy and reduces emissions from the engine.

The cylinder head as claimed in claims 1, 10, and 15, for example is suitable particularly for supercharged internal combustion engines which require efficient and optimized cooling because of higher exhaust gas temperatures due to compression heating of the charge and due to burning more fuel and air in the cylinder. Because the exhaust gas ducts are shortened, according to an embodiment of the disclosure, a potential issue is that dynamic wave processes in the cylinders can interact with each other and impede flow. However, according to an embodiment of the disclosure, the outside cylinders are grouped together and the inside cylinders are grouped together. In four-cylinder engines, the firing order (1-4-3-2) is such that an inside cylinder follows the firing of an outside cylinder and vice versa. Thus, about 360 degrees

elapses between firings in regards to grouped cylinders. Thus, the potential disadvantage of the dynamic pressure waves of grouped cylinder impacting gas flow through cylinders is largely overcome by the selection of cylinder groups. Moreover, convergence of the exhaust ducts into combined exhaust ducts in steps contributes to a more compact type of construction of the cylinder head and therefore, in particular, to a weight reduction and more effective packaging

As described above, the cylinder head as claimed in claims 1, 10, and 15 reduces or eliminates the necessity of fuel enrichment to cool the exhaust gas to improve fuel economy, which materially contributes to the conservation of energy resources.

For the reasons above, Applicant respectfully requests reconsideration of the decision and granting of the petition filed on March 7, 2011.

No fee is believed to be due as a result of filing this paper. However, please charge any fees to Deposit Account 06-1510.

Respectfully submitted,

KAI SEBASTIAN KULBACH

By: /David S. Bir/
David S. Bir
Reg. No. 38383
Attorney for Applicant

Date: April 1, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/565,948	09/24/2009	Kai Sebastian Kuhlbach	81196727	1484
28395 7590 04/27/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
			EXAMINER MCMAHON, MARGUERITE J	
			ART UNIT 3783	PAPER NUMBER
			MAIL DATE 04/27/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of
KUHLBACH, KAI SEBASTIAN et al
Application No. 12/565,948
Filed: Sep. 24, 2009
Attorney Docket No. 81196727

:
:
:
:
:

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON VA 20170

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of :
Jae-Hyun Kang :
Application No. 12/565,994 : DECISION ON PETITION
Filed: September 24, 2009 :
Attorney Docket No. 604-0347 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 13, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 14, 2009. A Notice of Abandonment was mailed June 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petition Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Jia, et al. : DECISION ON PETITION
Application No. 12/565,999 :
Filed: 24 September, 2009 :
Attorney Docket No. 13291-5 :

This is a decision on the petition filed on 11 November, 2010, pursuant to 37 C.F.R. §1.47

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record reflects as follows:

The application was deposited on 24 September, 2009, without, *inter alia*, a fully executed oath/declaration.

The Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration on 13 October, 2009.

Application No. 12/565,999

On 16 February, 2010, Petitioner Pavan K. Agarwal (Reg. No. 40,888) submitted, *inter alia*: a petition with fee with his statement, which statement and petition, however, are signed not by Petitioner with a first-hand knowledge, but by Thomas Bilodeau (Reg. No. 43,438) and no indication that the signor has first-hand knowledge; and with: an oath/declaration executed by co-inventors Jia, Chen, Guilbaud, Levander and Schlinke for themselves and on behalf of non-signing inventor Cristian Velehorschi (Mr. Velehorschi), also referred to as "Christian Velehorschi" in the papers); clear statement/evidence of transmittal of only the oath/declaration and not the entire application—description, claims, abstract and drawings—to the non-signing inventor; a statement as to an address for Mr. Velehorschi. The petition was dismissed on 13 April, 2010.

On 11 November, 2010, Petitioner Thomas Bilodeau (Reg. No. 43,438) submitted, *inter alia*: a request and fee for extension of time with a petition and a statement by Ms. Sandra Bauer attesting to her efforts to identify a current/accurate/reasonably believed to be last known address for Mr. Velehorschi, with a showing of transmission of the entire application (description, claims, abstract, drawings) to the non-signing inventor and his failure to claim the return receipt transmittal and so failure to respond to sign/join, and so constructive refusal to sign/join, with Petitioner's diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address (signed return receipts). It appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found after diligent effort.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

Application No. 12/565,999

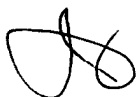
CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

and 103 (responses to comments 64 and 109)(applicant) obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CRISTIAN VELEHORSCHI
1170 CRESTWOOD COURT
WINDSOR
ONTARIO N944 K2
CANADA

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of
Jia, et al. :
Application No. 12/565,999 :COMMUNICATION
Filed: 24 September, 2009 :
Attorney Docket No. 13291-5 :

Dear Sean Austin:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/565,999

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Yossi Gross et al	:	DECISION GRANTING STATUS
Application No. 12/566,029	:	UNDER 37 CFR 1.47(a)
Filed: September 24, 2009	:	
Attorney Docket No. Q115269	:	

This is a decision on the petition filed May 10, 2010 under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Nir Betser has refused to join in the filing of the above-identified application.


The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee under 37 CFR 1.47(a) is \$200. The Office received \$130 with this petition. As authorized, the \$70 balance is being charged to petitioner's Deposit Account No. 19-4880.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.


David Bucchi
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nir Betser
37 Mohnliver Street
Yehud 56207, Israel

In re Application of
Yossi Gross; Nir Betser
Application No. 12/566,029
Filed: September 24, 2009
For: ACCOMMODATIVE INTRAOCULAR LENS

MAILED

NOV 18 2010


OFFICE OF PETITIONS

Dear Mr. Betser:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).


David Bucci
Petitions Examiner
Office of Petitions

cc: Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120117

DATE : January 17, 2012

TO SPE OF : ART UNIT 2823

SUBJECT : Request for Certificate of Correction on Patent No.: 8,067,194

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Certificate of Correction filed 12/14/2011 has been approved.

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHUTTS & BOWEN, LLP
200 E. BROWARD BOULEVARD
SUITE 2100
FORT LAUDERDALE, FL 33301

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of
Mario A. Espino, Jr.
Application No. 12/566,274
Filed: September 24, 2009
Attorney Docket No. 33057.0001

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 5, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Shutts & Bowen, LLP has been revoked by the applicant of the patent application on July 5, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office, U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **032026-1180** Application Number (if known): **12/566,406** Filing date: **September 24, 2009**

First Named Inventor: **Judd M. Aiken**

Title: **DEGRADATION OF PRION PROTEIN AND REDUCED PRION INFECTIVITY BY EARTHWORM HOMOGENATES**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: Statement in Support of Petition to Make Special Under the Green Technology Pilot Program

Signature **/Jason R. Dinges/**

Date **August 10, 2010**

Name (Print/Typed) **Jason R. Dinges**

Registration Number **55,114**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/566,406	09/24/2009	Judd M. Aiken	032026-1180	2343
81079 7590 08/18/2010 Wisconsin Alumni Research Foundation (WARF) C/O Foley & Lardner LLP Verex Plaza, 150 East Gilman Street Madison, WI 53703-1481			EXAMINER TATE, CHRISTOPHER ROBIN	
			ART UNIT 1655	PAPER NUMBER
			MAIL DATE 08/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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AUG 18 2010

Wisconsin Alumni Research Foundation (WARF)
C/O Foley & Lardner LLP
Verex Plaza, 150 East Gilman Street
Madison WI 53703-1481

In re Application of	:	
AIKEN, Judd	:	DECISION ON PETITION
Application No. 12/566406	:	TO MAKE SPECIAL UNDER
Filed: September 24, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 032026-1180	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 10, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1655 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600



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ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

MAILED

AUG 11 2010

In re Application of	:	OFFICE OF PETITIONS
East et al.	:	
Application No. 12/566,467	:	
Filed: September 24, 2009	:	ON PETITION
Attorney Docket No. HES 2009-IP-022526U1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 15, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge of \$130, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

Carl Friedman
Petitions Examiner
Office of Petitions

cc: CARROLL, RODNEY,
CONLEY ROSE, P. C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024



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DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of
Samuel Thomas Kelly
Application No. 12/566,501
Filed: September 24, 2009
Attorney Docket No. **4234-PAT**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 9, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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LEWIS, BRISBOIS, BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES CA 90012

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of

FLYNN, Michael P.

Application No. 12/566,527

Filed: September 24, 2009

Attorney Docket No. 26705-B

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Sanford Astor on behalf of all attorneys of record who are associated with customer No. 33417. All attorneys/agents associated with the Customer Number 33417 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Michael Flynn at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MICHAEL P. FLYNN**
MPF TECHNOLOGIES, INC.
6550 LA VALLE PLATEADA
RANCHO SANTA FE CA 92067



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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:
Brandon D. TINIANOV	:
Application No. 12/566,545	: DECISION ON PETITION
Filed: September 24, 2009	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 70176.76	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 03, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation

by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.


Thurman K. Page
Petitions Examiner
Office of Petitions



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SEP 12 2011

OFFICE OF PETITIONS

**HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219**

In re Application of :
Brandon D. TINIANOV :
Application No. 12/566,545 : **DECISION ON PETITION**
Filed: September 24, 2009 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 70176.76 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed August 19, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.


The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition

includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3633 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.


fo ✓ Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/566,545	09/24/2009	3633	967	70176.76	19	7

CONFIRMATION NO. 2590

CORRECTED FILING RECEIPT



27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 09/12/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Brandon D. Tinianov, Santa Clara, CA;

Power of Attorney: The patent practitioners associated with Customer Number 27683

Domestic Priority data as claimed by applicant

This application is a CIP of 11/772,197 06/30/2007 PAT 7,745,005
and is a CIP of 11/734,770 04/12/2007 PAT 7,883,763

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/07/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/566,545**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Sound Proofing Material With Improved Damping And Structural Integrity

Preliminary Class

052

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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DEL MAR CA 92014

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of :
Jose Antonio Lopez :
Application No. 12/566,597 : **DECISION ON PETITION**
Filed: September 24, 2009 :
Attorney Docket No. 4201-PAT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed October 14, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 15, 2009. A Notice of Abandonment was mailed on June 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$930, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received November 7, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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**TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Louise Wannier et al.	:	
Application No. 12/566,605	:	DECISION ON PETITION
Filed: September 24, 2009	:	TO WITHDRAW
Attorney Docket No. 026262-001810US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 19, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Philip H. Albert on behalf of all attorneys of record who are associated with Customer Number 20350.

All attorneys/agents associated with Customer Number 20350 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: MyShape, Inc.
210 W. Lexington Drive
Glendale, CA 91203



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/566,605	09/24/2009	Louise J. Wannier	026262-001810US

CONFIRMATION NO. 2696

POWER OF ATTORNEY NOTICE



20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 12/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/19/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12566625	
Filing Date	24-Sep-2009	
First Named Inventor	ALEXANDER TORMASOV	
Art Unit	2435	
Examiner Name	HOSUK SONG	
Attorney Docket Number	2230.0320002	
Title	ENCRYPTION AND ACCESS METHOD AND SYSTEM FOR PEER-TO-PEER DISTRIBUTED FILE STORAGE	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p> <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY. </p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p> <input checked="" type="checkbox"/> Issue Fee Transmittal is attached </p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/GB/
Name	George S. Bardmesser
Registration Number	44020



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 16, 2012

In re Application of :

ALEXANDER TORMASOV

Application No : 12566625

Filed : 24-Sep-2009

Attorney Docket No : 2230.0320002

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 16, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF JERRY A. SCHULMAN
1S376 SUMMIT AVENUE
COURT C
OAKBROOK TERRACE IL 60181

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of
Akahoshi
Application No. 12/566,630
Filed: September 24, 2009
Attorney Docket No. 10007-2-173

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 16, 2009, for failure to respond to the Notice to File Missing Parts of Non-provisional Application mailed October 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an declaration under 37 CFR 1.63 and payment of the surcharge; (2) the petition fee; (3) and adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12566677	
Filing Date	25-Sep-2009	
First Named Inventor	Shih-Ting Lin	
Attorney Docket Number	31135-US-PA	
Title	OPTICAL FIBER STRUCTURE WITH FILTERING THIN FILM	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

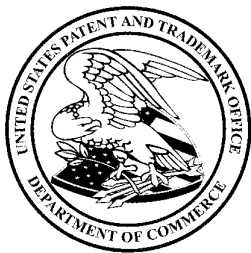
☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Belinda Lee/
Name	Belinda Lee
Registration Number	46863



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date February 17, 2012

In re Application of Shih-Ting Lin

Application No. 12566677

Filed: 25-Sep-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 31135-US-PA

This is an electronic decision on the petition under 37 CFR 1.137(b), February 17, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/566,681	09/25/2009	Kuci-Sheng Wu	NAUP1164USA	2830
27765 7590 03/03/2011 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER THOMAS, BRADLEY H	
			ART UNIT 2835	PAPER NUMBER
			NOTIFICATION DATE 03/03/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com



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hp

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

<i>In re</i> Application of Kuei-Sheng Wu et al.	:	
Appl. No.: 12/566,681	:	DECISION ON PETITION
Filed: September 25, 2009	:	UNDER 37 C.F.R. § 1.59
Attorney Docket No.: NAUP1164USA	:	
For: ELECTRICAL FUSE STRUCTURE AND	:	
METHOD FOR FABRICATING THE SAME	:	
	:	

This is a response to the petition under 37 CFR 1.59(b), filed February 17, 2011, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte* Quayle action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that the proprietary information, filed February 17, 2011, submitted as a second Information Disclosure Statement in accordance with MPEP § 724.02, be expunged from the record. Petitioner states that the information is trade secret material that has not been made public and is being submitted by the applicant and commits to restrain the information for the period of any patent with regard to which such information is submitted. The petition fee set forth in 37 CFR 1.17(g) has been paid.

It is noted that the **petition does not meet all the requirements for a grantable petition to expunge** because petitioner did not make a commitment to retain the trade secret information for the period of any patent issued from the above-identified application. Unless supplemented, the petition would be denied after completion of the prosecution.

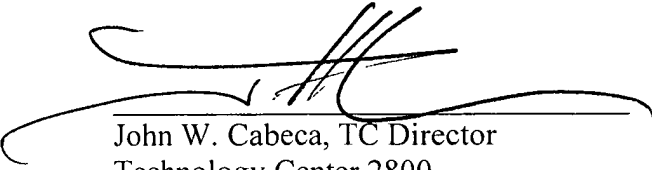
The decision on the petition is held in abeyance because prosecution on the merits has not completed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

Application No. 12/566,681
On Petition

Page 2

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



John W. Cabeca, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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NIXON PEABODY LLP
401 Ninth Street, N.W.
Suite 900
WASHINGTON DC 20004

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Tristan G. Rinehart
Application No. 12/566,810
Filed: September 25, 2009
Attorney Docket No. 002566-086000

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

RAYTHRON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET, SUITE 301A
CANTON, MA 02021

In re Application of :
JEFFREY PAQUETTE et al :
Application No. 12/566,818 : **DECISION ON PETITION**
Filed: September 25, 2009 :
Attorney Docket No. RTN-462PUS (07E269) :

This is a response to the petition under 37 CFR 1.59(b), filed March 22, 2011 and supplemented on April 19, 2011, to expunge information from the above identified application.

The petition is **DISMISSED**.

Petitioner request three documents submitted in connection with the above identified pending application in an Information Disclosure Statement (IDS) filed on September 25, 2009 be expunged.

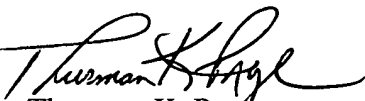
A review of the application indicates that on November 14, 2011, the examiner in charge of the application issued an office action indicating that the three documents had been considered and indicates so on the initialed IDS. Accordingly the documents as treated by the examiner, may be relevant to prosecution.

The petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.**

Telephone inquiries concerning this communication should be directed to the undersigned at 517-272-0602.



Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Huawei Technologies Co.,
Ltd./Finnegan
901 New York Avenue NW
Washington DC 20001

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Wang et al. : DECISION NOTING JOINDER
Application No. 12/566,911 : OF INVENTOR AND PETITION
Filed: September 25, 2009 : UNDER 37 CFR 1.47(a) MOOT
Attorney Docket No. 11005.0152:

This is in the response to the paper styled RESPONSE TO DECISION REFUSING STATUS UNDER 37 C.F.R. § 1.47(a) filed July 8, 2010. This petition was recently forwarded to the undersigned for consideration.

The petition is **DISMISSED AS MOOT.**

The above-identified application was filed on September 25, 2009, with a partially executed declaration and a petition under 37 CFR 1.47(a) requesting acceptance of the declaration without the signature of inventor Zhao. By decision mailed May 25, 2010, the petition was dismissed. The petition included an acceptable declaration(s) by the signing inventors on behalf of themselves and on behalf of the non-signing inventor, payment of the petition fee and a statement of the last known address for non-signing inventor Zhao. However, the petition did not include adequate proof, as alleged, that non-signing inventor Zhao could not be reached or found, after diligent inventor, to join in the instant application.

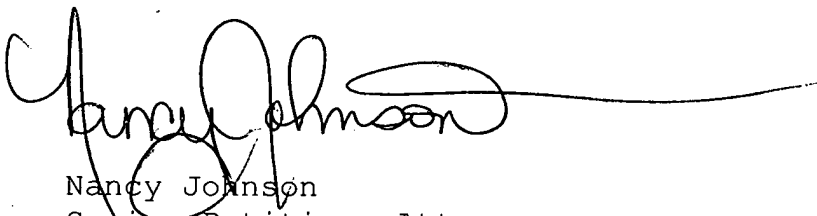
Curiously, on renewed petition, rule 47 applicant states that the petition was dismissed "as the declaration submitted is not accepted since it does not include a listing of the named inventors." Nonetheless, on renewed petition, applicant submits a declaration executed by previously non-signing inventor Zhao.

The declaration has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE
USPTO**

Application No.:	12/566,989	Filing Date:	September 25, 2009
First Named Inventor:	Wataru IKEDA et al.	Attorney Docket No.:	2009_1466A
Title of the Invention:	RECORDING MEDIUM, PLAYBACK DEVICE, SYSTEM LSI, PLAYBACK METHOD, GLASSES, AND DISPLAY DEVICE FOR 3D IMAGES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/DFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT

application number(s) is/are: PCT/JP2009/004554 claiming priority to U.S. 61/101,316
(to which the present application also claims priority)

The international date of the corresponding

PCT application(s) is/are: September 14, 2009

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒ is attached.

☐ is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒ is attached.

☐ is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ is attached.

☒ Has already been filed in the above-identified U.S. application on April 26, 2010 and July 12, 2010.

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on April 26, 2010 and July 12, 2010.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

(continued)

II. Claims Correspondence Table:

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/W. Douglas Hahm/ 2011.02.14 11:39:51 -05'00'	Date: February 14, 2011
Name: (Print/Type)	W. Douglas Hahm	Registration No. 44,142

特許協力条約

発信人 日本国特許庁（国際予備審査機関）

代理人 中島司朗 様 あて名 〒531-0072 日本国大阪府大阪市北区豊崎三丁目2番1号淀川5 番館6F		PCT 国際予備審査機関の見解書 （法第13条） [PCT規則66]	
		発送日 （日.月.年） 12.10.2010	
出願人又は代理人 の書類記号 P054038P0B29		応答期間 上記発送日から 2 月 4日 以内	
国際出願番号 PCT/J P 2009/004554	国際出願日 （日.月.年） 14.09.2009	優先日 （日.月.年） 30.09.2008	
国際特許分類（IPC）Int.Cl. H04N13/04(2006.01)i, G11B20/12(2006.01)i, H04N5/92(2006.01)i			
出願人（氏名又は名称） パナソニック株式会社			

1. <input checked="" type="checkbox"/> 国際調査機関の作成した見解書は、国際予備審査機関の見解書と <input checked="" type="checkbox"/> みなされる。 <input type="checkbox"/> みなされない。	
2. この 2 回目の見解書は、次の内容を含む。 <input checked="" type="checkbox"/> 第I欄 見解の基礎 <input type="checkbox"/> 第II欄 優先権 <input checked="" type="checkbox"/> 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成 <input checked="" type="checkbox"/> 第IV欄 発明の単一性の欠如 <input checked="" type="checkbox"/> 第V欄 法第13条（PCT規則66.2(a)(ii)）に規定する新規性、進歩性又は産業上の利用可能性について の見解、それを裏付けるための文献及び説明 <input type="checkbox"/> 第VI欄 ある種の引用文献 <input type="checkbox"/> 第VII欄 国際出願の不備 <input type="checkbox"/> 第VIII欄 国際出願に対する意見	
3. 出願人は、この見解書に回答することが求められる。 いつ? 上記応答期間を参照すること。この応答期間に間に合わないときは、出願人は、法第13条（PCT規則 66.2(e)）に規定するとおり、その期間の経過前に国際予備審査機関に期間延長を請求することができる。 ただし、期間延長が認められるのは合理的な理由があり、かつスケジュールに余裕がある場合に限定される ことに注意されたい。 どのように? 法第13条（PCT規則66.3）の規定に従い、答弁書及び必要な場合には、補正書を提出する。補正書の 様式及び言語については、法施行規則第62条（PCT規則66.8及び66.9）を参照すること。 なお 補正書及び/又は答弁書の審査官による考慮については、PCT規則66.4の2を参照すること。審査官と の非公式の連絡については、PCT規則66.6を参照すること。 補正書を提出する追加の機会については、法施行規則第61条の2（PCT規則66.4）を参照すること。 応答がないときは、国際予備審査報告は、この見解書に基づき作成される。	
4. 特許性に関する国際予備報告（特許協力条約第2章）作成の最終期限は、 PCT規則69.2の規定により 30.01.2011 である。	

名称及びあて先 日本国特許庁（IPEA/J P） 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官（権限のある職員） 伊東 和重 電話番号 03-3581-1101 内線 3581	5P 8839
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第1欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

- ☒ 出願時の言語による国際出願
- ☐ 出願時の言語から次の目的のための言語である _____ 語に翻訳された、この国際出願の翻訳文
- ☐ 国際調査 (PCT規則 12.3(a)、23.1(b))
- ☐ 国際公開 (PCT規則 12.4(a))
- ☐ 国際予備審査 (PCT規則 55.2(a)又は55.3(a))

2. この見解書は下記の出願書類に基づいて作成された。(法第6条(PCT14条)の規定に基づく命令に応答するために提出された差替え用紙は、この見解書において「出願時」とする。)

☐ 出願時の国際出願書類

☒ 明細書

第1-112 _____ ページ、出願時に提出されたもの
 第 _____ ページ、 _____ 付で国際予備審査機関が受理したもの
 第 _____ ページ、 _____ 付で国際予備審査機関が受理したもの

☒ 請求の範囲

第 _____ 項、出願時に提出されたもの
 第 _____ 項、PCT19条の規定に基づき補正されたもの
 第1-21 _____ 項、12.07.2010 _____ 付で国際予備審査機関が受理したもの
 第 _____ 項、 _____ 付で国際予備審査機関が受理したもの

☒ 図面

第1-50 _____ ページ/図、出願時に提出されたもの
 第 _____ ページ/図、 _____ 付で国際予備審査機関が受理したもの
 第 _____ ページ/図、 _____ 付で国際予備審査機関が受理したもの

☐ 配列表

配列表に関する補充欄を参照すること。

3. ☐ 補正により、下記の書類が削除された。

☐ 明細書 第 _____ ページ
☐ 請求の範囲 第 _____ 項
☐ 図面 第 _____ ページ/図
☐ 配列表 (具体的に記載すること) _____

4. ☐ この見解書は、補充欄に示したように、補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則 70.2(c))

☐ 明細書 第 _____ ページ
☐ 請求の範囲 第 _____ 項
☐ 図面 第 _____ ページ/図
☐ 配列表 (具体的に記載すること) _____

5. ☐ この見解書は、PCT規則 91 の規定により国際予備審査機関が認めた又は国際予備審査機関に通知された明らかな誤りの訂正を考慮して作成した(PCT規則 66.1(d)の2)。

6. ☐ この見解書を作成するにあたり、補充国際調査機関で _____ から受領した補充国際調査報告を考慮した。(PCT規則 45 の 2.8(b)及び(c))

第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成

次に関して、当該請求の範囲に記載されている発明の新規性、進歩性又は産業上の利用可能性につき、次の理由により審査しない。

☐ 国際出願全体

☒ 請求項 1, 2, 10

理由:

☒ この国際出願又は請求項 1, 2, 10 は、国際予備審査をすることを要しない次の事項を内容としている（具体的に記載すること）。

請求項 1, 2, 10 は「記録媒体」の発明である。しかし記録媒体に記録された情報の内容にのみ特徴があり、情報の内容のみで特徴付けられている情報の単なる提示に該当する。よって PCT 第 17 条(2)(a)(i) 及び PCT 規則 39.1 の規定により、この国際調査機関が調査することを要しない対象に係るものである。

☐ 明細書、請求の範囲若しくは図面（次に示す部分）又は請求項 _____ の記載が、不明確であるため、見解を示すことができない（具体的に記載すること）。

☐ 全部の請求項又は請求項 _____ が、明細書による十分な裏付けを欠くため、見解を示すことができない（具体的に記載すること）。

☒ 請求項 1, 2, 10 について、国際調査報告が作成されていない。

☐ 入手可能な配列表が存在せず、有意義な見解を示すことができなかった。

出願人は所定の期間内に、

☐ 実施細則の附属書 C に定める基準を満たす紙形式の配列表を提出しなかったため、国際予備審査機関は、認められた形式及び方法で配列表を入手することができなかった。

☐ 実施細則の附属書 C に定める基準を満たす電子形式の配列表を提出しなかったため、国際予備審査機関は、認められた形式及び方法で配列表を入手することができなかった。

☐ PCT 規則 13 の 3.1(a) 又は (b) 及び 13 の 3.2 に基づく命令に応じた、要求された配列表の遅延提出手数料を支払わなかった。

☐ 詳細については補充欄を参照すること。

第IV欄 発明の単一性の欠如

1. ☒ 請求の範囲の減縮又は追加手数料の納付命令書（様式PCT/IPEA/405）に対して、出願人は、規定期間内に、
- ☒ 請求の範囲を減縮した。
 - ☐ 追加手数料を納付した。
 - ☐ 追加手数料及び、該当する場合には、異議申立手数料の納付と共に、異議を申し立てた。
 - ☐ 追加手数料の納付と共に異議を申し立てたが、規定の異議申立手数料を支払わなかった。
 - ☐ 請求の範囲の減縮も、追加手数料の納付もしなかった。
2. ☐ 国際予備審査機関は、次の理由により発明の単一性の要件を満たしていないと判断したが、PCT規則 68.1 の規定に従い、請求の範囲の減縮及び追加手数料の納付を出願人に求めないこととした。

3. したがって、国際出願の次の部分について、この見解書を作成した。

☐ すべての部分

☒ 請求項 3-9, 11-13, 18-21 に関する部分

第V欄 新規性、進歩性又は産業上の利用可能性についての法第13条（PCT規則66.2(a)(ii)）に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	3-9, 11-13, 18-21	有
	請求項		無
進歩性 (IS)	請求項	3-9, 18, 19	有
	請求項	11-13, 20, 21	無
産業上の利用可能性 (IA)	請求項	3-9, 11-13, 18-21	有
	請求項		無

2. 文献及び説明

文献1: JP 2007-166651 A (松下電器産業株式会社) 2007.06.28, 段落【0012】－【0058】
 【0069】－【0080】【0280】, 図1-19, 23 & JP 11-191895 A & US 6573819
 B1 & EP 888018 A1 & WO 97/32437 A1 & KR 2000-0057426 A & CN 1197574 A
 文献2: ITU-T H.264(11/2007), 2007.11, 339-340
 文献3: WO 2008/114595 A1 (三菱電機株式会社) 2008.09.25, 段落【0035】－【0054】,
 図2-5 & US 2010/0098389 A1

文献1には、立体映像を記録、再生する光ディスク記録装置及び再生装置の発明が記載されている。文献1の光ディスクには、第1映像ストリームと第2映像ストリームが第1, 第2インターリーブブロックに分割され、交互に記録されている。また文献1の明細書第280段落には、第1映像信号が右眼用もしくは左眼用の映像信号であり、第2映像信号が第1映像信号との差分信号をであり、合成部の中の差分復号手段において、前記差分信号と前記第1映像信号から第1映像信号と逆の眼用の立体映像信号を復号することも記載されている。更に引用文献1には、一方の映像ストリームを再生して2D再生を行うことも記載されている。

文献1の第1映像信号が本願発明のベースビュービデオストリームに相当し、文献1の第2映像信号が本願発明のディペンデントビュービデオストリームに相当する。

文献2は、映像データ符号化の国際規格である。文献2の第339, 340頁には、ステレオ映像を符号化する際に「view flag」を設けることが記載されており、「view flag」が「0」であれば左画像のストリームが基本ストリームであることを示し、「viewflag」が「1」であれば右画像のストリームが基本ストリームであることを示している。

文献2の「view flag」が本願発明のベースビュー指定情報に相当する。

補充欄

いずれかの欄の大きさが足りない場合

第 V 欄の続き

文献3には、光ディスクの再生装置の発明が記載されている。文献3の光ディスクには、プレイリスト情報群を含む再生制御情報ファイル221が記録されている。

本願の請求項11-13, 20, 21に係る発明は、文献1-3から進歩性を有しない。文献2記載の「view flag」を用いて、文献1の第1映像信号及び第2映像信号がそれぞれ右眼用映像信号及び左眼用映像信号のどちらに対応するのかを判断することは、公知技術の単なる使用にすぎない。また文献1の光ディスク再生装置に文献3のごとくプレイリスト情報を記録しておくことは、公知技術の単なる付加にすぎない。

本願の請求項3-9, 18, 19に係る発明は、新規性、進歩性を有する。特定のビデオストリームが通常形式のトランスポートストリームファイルとインターリーブされたトランスポートストリームファイルとを有し、ファイル参照情報で選択された特定のビデオストリームに対してファイルの拡張子で上記通常形式のトランスポートストリームファイルとインターリーブされたトランスポートストリームファイルとを区別して、出力モードに応じたトランスポートストリームファイルを読み出すことは、文献1-3に記載されていない。

注 意

1. 法律又は契約等の制限により、国際予備審査機関の見解書に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

	手	続	補	正	番
特許庁長官 (特許庁審査官)				殿 殿	
1 国策上の表示					
2 出願人 (代表者)					印
氏名 (名称)					
あて名					
国籍					
住所					
3 代理人					
氏名					印
あて名					
4 補正命令の日付					
5 補正の対象					
6 補正の内容					
7 返付書類の日数					

VERIFICATION OF TRANSLATION

I, Kyozo Omori, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the Written Opinion of the International Preliminary Examining Authority issued on PCT/JP2009/004554.

Date: February 8, 2011

A handwritten signature in black ink, appearing to read 'Kyozo Omori', is written over a horizontal line.

Kyozo Omori

PATENT COOPERATION TREATY
PCT

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY
(PCT Rule 66)

From the INTERNATIONAL SEARCHING AUTHORITY

To:

Shiro NAKAJIMA

6F, Yodogawa 5-Bankan, 2-1,

Toyosaki 3-chome, Kita-ku

Osaka-shi, Osaka 531-0072

JAPAN

Date of mailing (*day/month/year*): 12.10.2010

Applicant's or agent's file reference: P054038P0B29

REPLY DUE: within 2 months from the above date of mailing

International application No. PCT/JP2009/004554

International filing date (*day/month/year*): 14.09.2009

Priority date (*day/month/year*): 30.09.2008

International Patent Classification (IPC) or both national classification and IPC:

H04N13/04(2006. 01)i, G11B20/12(2006. 01)i, H04N5/92(2006. 01)i

Applicant: Panasonic Corporation

1. ☒ The written opinion established by the International Searching Authority:
☒ is ☐ is not
considered to be a written opinion of the International Preliminary
Examining Authority.
2. This 2nd opinion contains indications relating to the following items:
 - ☒ Box No. I Basis of the opinion
 - ☐ Box No. II Priority
 - ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive
step and industrial applicability
 - ☒ Box No. IV Lack of unity of invention

- ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanation supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.
For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 30.01.2011

Name and mailing address of the IPEA:

Japan Patent Office (IPEA/JP)
3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo-to 100-8915

Authorized Officer:

Kazushige ITO 5P 8839
Telephone No.: 03-3581-1101 Extension 3581

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b)).
- ☐ publication of the international application (Rule 12.4(a)).
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this opinion has been established on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages _____ as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages _____ as amended (together with any statement) under Article 19
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____

- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____

4. ☐ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____

5. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 66.1(d-bis))

6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this opinion (Rule 45bis.8(b) and (c)).

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1, 2, 10

because:

☒ the said international application, or the said claims Nos. 1, 2, 10 relate to the following
subject matter which does not require an international preliminary examination (*specify*):

Claims 1, 2, 10 are invention of "recording medium". However, these claims are characterized only by the contents of information recorded on the recording medium, which falls under the case of mere presentation of information. Thus these claims relate to a subject matter which the International Searching Authority is not required, under PCT Article 17(2)(a)(i) and Rule 39. 1, to search.

☐ the description, claims or drawings (indicate particular elements below) or said claims

Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claims Nos. 1, 2, 10

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.
- ☐ See Supplemental Box for further details.

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees the applicant has, within the applicable time limit:
 - ☒ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest and, where applicable, the protest fee.
 - ☐ paid additional fees under protest but the applicable protest fee was not paid.
 - ☐ neither restricted the claims nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:

3. Consequently, this opinion has been established in respect of the following parts of the international application:
 - ☐ all parts.
 - ☒ the parts relating to claims Nos. 3-9, 11-13, 18-21

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Claims 3-9, 11-13, 18-21 YES

Claims _____ NO

Inventive step (IS)

Claims 3-9, 18, 19 YES

Claims 11-13, 20, 21 NO

Industrial applicability (IA)

Claims 3-9, 11-13, 18-21 YES

Claims _____ NO

2. Citations and explanations:

Citation 1: JP 2007-166651 (Matsushita Electric Industrial Co., Ltd.), 2007.06.28, paragraphs [0012]-[0058], [0069]-[0080], [0280], Figs. 1-19, 23, JP 11-191895 A, US 6573819 B1, EP 888018 A1, WO 97/32437 A1, KR 2000-0057426 A, CN 1197574 A

Citation 2: ITU-T H.264 (11/2007), 2007.11, 339-340

Citation 3: WO 2008/114595 A1 (Mitsubishi Electric Corporation), 2008.09.25, paragraphs [0035]-[0054], Figs. 2-5, US 2010/0098389 A1

Citation 1 discloses optical disc recording device and playback device for recording and playing back stereoscopic images. According to Citation 1, each of a first image stream and a second image stream is segmented into a first interleave block and a second interleave block, and the interleave blocks are recorded in an interleave manner. Also, the description of Citation 1, in paragraph [0280], recites that a first image signal is for the right eye or the left eye, and a second image signal is a different signal representing a difference from the first image signal, and that the difference decoding means in the overlay unit decodes a stereoscopic image signal for the eye other than the eye of the first image signal, from the difference signal and the first image signal. Furthermore, Citation 1 discloses performing a two-dimensional playback by playing back one of two types

of image streams.

The first image signal of Citation 1 corresponds to the base-view video stream of the present invention; and the second image signal of Citation 1 corresponds to the dependent-view video stream of the present invention.

Citation 2 discloses an international standard for the image data encoding. Citation 2, in pages 339 and 340, recites that a "view flag" is provided when a stereo image is encoded. When the "view flag" is "0", it indicates that the stream for the left image is the basic stream; and when the "view flag" is "1", it indicates that the stream for the right image is the basic stream.

The "view flag" of Citation 2 corresponds to the base-view specification information of the present invention.

Citation 3 discloses an invention of an optical disc playback device. A playback control information file 221 including a playlist information group is recorded on the optical disc of Citation 3.

The invention pertaining to Claims 11-13, 20, 21 lacks inventive step over Citations 1-3. Judging which of the right-eye image signal and the left-eye image signal each of the first and second image signals of Citation 1 corresponds to, by using the "view flag" of Citation 2 is merely a use of known technologies. Also, recording the playlist information, as recited in Citation 3, into the optical disc playback device of Citation 1 is merely an addition of a known technology.

The invention of Claims 3-9, 18, and 19 of the present application has novelty and inventive step. None of Citations 1-3 recites that a specific video stream has a transport stream file in the normal format and a transport stream file in the interleave format, and with regard to the specific video stream selected by the file reference information, a distinction between the transport stream file in the normal format and the transport stream file in the interleave format is made by using a file extension, and a transport stream file is read out depending on the output mode.

請求の範囲

〔請求項1〕

プレイリスト情報と、ストリームファイルとが記録された記録媒体であって、

前記プレイリスト情報は、1つ以上の再生区間情報を含み、

前記再生区間情報は、

ビデオストリームを格納した前記ストリームファイルを指定するファイル参照情報を含み、

前記ストリームファイルは、インターリーブされたトランスポートストリームファイルと、通常形式のトランスポートストリームファイルであり、

前記インターリーブされたトランスポートストリームファイルは、レフトビュービデオストリームを格納したトランスポートストリームを分割することで得られる複数の分割部分、及び、ライトビュービデオストリームを格納したトランスポートストリームを分割することで得られる複数の分割部分のそれぞれを、交互に配置することで構成されており、前記ファイル参照情報と同じ識別番号と、インターリーブされている旨を示す拡張子とによって特定され、

前記通常形式のトランスポートストリームファイルは、前記レフトビュービデオストリーム及び前記ライトビュービデオストリームの何れか一方であって、単独再生することができるベースビュービデオストリームを格納しており、前記ファイル参照情報と同じ識別番号と、通常形式である旨を示す拡張子とによって特定される

ことを特徴とする記録媒体。

〔請求項2〕

前記記録媒体は、ストリームファイル用ディレクトリと、インターリーブファイル用ディレクトリとを含み、

前記通常形式のトランスポートストリームファイルは、前記ストリームファイル用ディレクトリに格納され、

前記インターリーブされたトランスポートストリームファイルは、

前記インターリーブファイル用ディレクトリに格納される

ことを特徴とする請求項 1 記載の記録媒体。

[請求項3]

プレイリスト情報に従い、ビデオストリームを再生する再生装置であって、

前記プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを記録媒体から読み出す読出手段と、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコーダと、

自機の出力モードを格納しているモードレジスタと、

前記モードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力する出力手段とを備え、

前記読出手段は、

出力モードが平面視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、トランスポートストリーム形式を示す拡張子とによって特定される通常形式のトランスポートストリームファイルを読み出し、

出力モードが立体視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、インターリーブされていることを示す拡張子とによって特定されるインターリーブされたトランスポートストリームファイルを読み出す

ことを特徴とする再生装置。

[請求項4]

前記再生装置は、

ユーザ設定を示すレジスタと、

接続されている表示装置が立体視再生に対応しているか否かを示すケーパビリティレジスタと、

複数の条件が成立するかどうかを判定して、複数の条件が成立した

場合に、出力モードを立体視出力モードに設定する設定手段とを備え

、
前記複数の条件のうち第1条件は、前記ユーザ設定を示すレジスタが、ユーザが立体視再生を希望する旨を示しているという条件であり

、
前記複数の条件のうち第2条件は、前記接続されている表示装置が立体視再生に対応しているか否かを示すケーパビリティレジスタが、接続されている表示装置が立体視再生に対応していることを示しているという条件であり、

前記第1条件及び前記第2条件が成立する場合、前記出力モードを立体視出力モードに設定する

ことを特徴とする請求項3記載の再生装置。

【請求項5】

前記再生装置の動作モードには、コマンドインタプリタが動作主体になる第1モード、バイトコードインタプリタが動作主体になる第2モードがあり、

第2モードの設定中に、出力モードの切り替えが発生した際、バイトコードインタプリタによって実行されるバイトコードアプリケーションに、イベントを通知する

ことを特徴とする請求項4記載の再生装置。

【請求項6】

プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを記録媒体から読み出すドライブ装置と共に、再生装置に組込むことができるシステムLSIであって、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコーダと、

自機の出力モードを格納しているモードレジスタと、

前記モードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力するよう再生装置の

制御を行う制御手段とを備え、

前記制御手段は、

出力モードが平面視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、トランスポートストリーム形式を示す拡張子とによって特定される通常形式のトランスポートストリームファイルを読み出し、

出力モードが立体視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、インターリーブされていることを示す拡張子とによって特定されるインターリーブされたトランスポートストリームファイルを読み出すようドライブ装置を制御する

ことを特徴とするシステムLSI。

[請求項7]

前記システムLSIは、

ユーザ設定を示すレジスタと、

接続されている表示装置が立体視再生に対応しているか否かを示すケーパビリティレジスタとを備え、

前記制御手段は、複数の条件が成立するかどうかを判定して、複数の条件が成立した場合に、出力モードを立体視出力モードに設定し、

前記複数の条件のうち第1条件は、前記ユーザ設定を示すレジスタが、ユーザが立体視再生を希望する旨を示しているという条件であり、

前記複数の条件のうち第2条件は、前記接続されている表示装置が立体視再生に対応しているか否かを示すケーパビリティレジスタが、接続されている表示装置が立体視再生に対応していることを示しているという条件であり、

前記第1条件及び前記第2条件が成立する場合、前記出力モードを立体視出力モードに設定する

ことを特徴とする請求項6記載のシステムLSI。

[請求項8]

プレイリスト情報に従い、ビデオストリームを再生する処理をコン

コンピュータ上で実行する再生方法であって、

前記プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを記録媒体から読み出す読出ステップと、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコードステップと、

コンピュータにおけるモードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力する出力ステップとを有し、

前記読出ステップは、

出力モードが平面視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、トランスポートストリーム形式を示す拡張子とによって特定される通常形式のトランスポートストリームファイルを読み出し、

出力モードが立体視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、インターリーブされていることを示す拡張子とによって特定されるインターリーブされたトランスポートストリームファイルを読み出す

ことを特徴とする再生方法。

[請求項9]

前記コンピュータは、

ユーザ設定を示すレジスタと、

接続されている表示装置が立体視再生に対応しているか否かを示すケーパビリティレジスタとを有し、

前記再生方法は、

複数の条件が成立するかどうかを判定して、複数の条件が成立した場合に、出力モードを立体視出力モードに設定する設定ステップを有し、

前記複数の条件のうち第1条件は、前記ユーザ設定を示すレジスタが、ユーザが立体視再生を希望する旨を示しているという条件であり、

前記複数の条件のうち第2条件は、前記接続されている表示装置が立体視再生に対応しているか否かを示すケーパビリティレジスタが、接続されている表示装置が立体視再生に対応していることを示しているという条件であり、

前記第1条件及び前記第2条件が成立する場合、前記出力モードを立体視出力モードに設定する

ことを特徴とする請求項8記載の再生方法。

[請求項10]

プレイリスト情報と、ストリームファイルとが記録された記録媒体であって、

前記プレイリスト情報は、1つ以上の再生区間情報を含み、

前記再生区間情報は、

前記ストリームファイルを指定するファイル参照情報と、

再生可能なビデオストリームを示すストリーム許可テーブルと、

ベースビュー指定情報とを含み、

前記ビデオストリームには、立体視再生を可能とするレフトビュービデオストリーム、ライトビュービデオストリームがあり、

前記ベースビュー指定情報は、前記レフトビュービデオストリーム及び前記ライトビュービデオストリームのうちどちらが、単独で平面視再生を行うことができるベースビュービデオストリームであるかを示す

ことを特徴とする記録媒体。

[請求項11]

プレイリスト情報に従い、ビデオストリームを再生する再生装置であって、

前記プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを読み出す読出手段と、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコーダと、

自機の出力モードを格納しているモードレジスタと、

前記モードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力する出力手段とを備え、

前記ビデオストリームには、立体視再生を可能とするレフトビュービデオストリーム、ライトビュービデオストリームがあり、

前記ベースビュー指定情報は、前記レフトビュービデオストリーム及び前記ライトビュービデオストリームのうちどちらが、単独で平面視再生を行うことができるベースビュービデオストリームであるかを示し、

前記デコーダは、

平面視再生を行う場合、前記ベースビュー指定情報により示されるベースビュービデオストリームを構成するピクチャデータのデコードを行う

ことを特徴とする再生装置。

〔請求項12〕

プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを読み出すドライブと共に、再生装置に組み込むことができる集積回路であって、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコーダと、

自機の出力モードを格納しているモードレジスタと、

前記モードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力するよう制御を行う制御手段とを備え、

前記ビデオストリームには、立体視再生を可能とするレフトビュービデオストリーム、ライトビュービデオストリームがあり、

前記ベースビュー指定情報は、前記レフトビュービデオストリーム及び前記ライトビュービデオストリームのうちどちらが、単独で平面視再生を行うことができるベースビュービデオストリームであるかを示し、

前記デコーダは、

平面視再生を行う場合、前記ベースビュー指定情報により示されるベースビュービデオストリームを構成するピクチャデータのデコードを行う

ことを特徴とする集積回路。

[請求項13]

プレイリスト情報に従い、ビデオストリームを再生する処理をコンピュータ上で実行する再生方法であって、

前記プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを読み出す読出ステップと、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコードステップと、

コンピュータにおけるモードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力する出力ステップとを有し、

前記ビデオストリームには、立体視再生を可能とするレフトビュービデオストリーム、ライトビュービデオストリームがあり、

前記ベースビュー指定情報は、前記レフトビュービデオストリーム及び前記ライトビュービデオストリームのうちどちらが、単独で平面視再生を行うことができるベースビュービデオストリームであるかを示し、

前記デコードステップは、

平面視再生を行う場合、前記ベースビュー指定情報により示されるベースビュービデオストリームを構成するピクチャデータのデコードを行う

ことを特徴とする再生方法。

[請求項14]

立体視用眼鏡を着用したユーザに視聴させるための画像表示を、所定の表示期間内に実行する表示装置であって、

前記表示期間は、

ユーザが着用した眼鏡のレフトビューが透光状態になっていて、ライトビューが遮光状態になっている第1表示期間、ユーザが着用した眼鏡のライトビューが透光状態になっていて、レフトビューが遮光状態になっている第2表示期間、ユーザが着用した眼鏡のレフトビュー及びライトビューの双方が遮光状態になっている第3表示期間があり

前記第3表示期間における表示内容は、眼鏡を着用していないユーザに対してのメッセージを含む

ことを特徴とする表示装置。

[請求項15]

表示装置を視聴する際、ユーザが着用する眼鏡であって、

視聴対象となる表示装置の表示期間は、

レフトビューが表示される第1表示期間、ライトビューが表示される第2表示期間、眼鏡を装着していないユーザに対してのメッセージが表示される第3表示期間があり、

前記第3表示期間において、レフトビュー及びライトビューの状態を何れも、遮光状態に設定する

ことを特徴とする眼鏡。

[請求項16]

マルチチャネルの表示を行う表示装置を視聴する際、ユーザが着用する眼鏡であって、

マルチチャネルのうち、特定のチャネルの表示期間は、その特定チャネルに割り当てられたユーザに割り当てられた眼鏡の状態を透光状

態に設定し、

特定チャネル以外の表示期間は、その特定チャネルに割り当てられたユーザに割り当てられた眼鏡の状態を遮光状態に設定することを特徴とする眼鏡。

[請求項17]

眼鏡をリモートで制御する表示装置であって、

マルチチャネルのうち、特定のチャネルの表示期間は、その特定チャネルに割り当てられたユーザに割り当てられた眼鏡の状態を透光状態に設定させ

特定チャネル以外の表示期間は、その特定チャネルに割り当てられたユーザに割り当てられた眼鏡の状態を遮光状態に設定させる ことを特徴とする表示装置。

[請求項18]

(追加後)

プレイリスト情報と、レフトビューストリームとライトビューストリームを含むAVストリームとを記録媒体に記録する記録方法であって、

複数のエクステントを含むレフトビューストリームと複数のエクステントを含むライトビューストリームを生成するステップと、

インターリーブ形式のトランスポートストリームファイルのファイルエントリを生成し、前記レフトビューストリームに属する複数のエクステントと前記ライトビューストリームに属する複数のエクステントとが交互に配置されたデータを記録するステップと、

前記インターリーブ形式のトランスポートストリームファイルのファイルエントリを記録するステップと、

通常形式のトランスポートストリームファイルのファイルエントリを生成し、記録するステップと、

プレイリスト情報を記録するステップとを備え、

前記プレイリスト情報は、1つ以上の再生区間情報を含み、

前記再生区間情報は、前記AVストリームに対応したストリームファ

イルを指定するファイル参照情報を含み、

前記インターリーブ形式のトランスポートストリームファイルには、前記レフトビューストリームに属する複数のエクステント及び前記ライトビューストリームに属する複数のエクステントの両方が帰属しており、前記ファイル参照情報と同じ識別番号と、インターリーブされている旨を示す拡張子によって特定され、

前記通常形式のトランスポートストリームファイルには、前記レフトビューストリームに属する複数のエクステントと前記ライトビューストリームに属する複数のエクステントのうち何れか一方であって、単独再生することができるベースビューストリームに属する複数のエクステントが帰属しており、前記ファイル参照情報と同じ識別番号と、通常形式である旨を示す拡張子とによって特定される

ことを特徴とする記録方法。

[請求項19]

(追加後)

記録媒体と、前記記録媒体を再生する再生装置を備えた記録媒体再生システムであって、

前記記録媒体には、プレイリスト情報と、ストリームファイルとが記録されており、

前記プレイリスト情報は、1つ以上の再生区間情報を含み、

前記再生区間情報は、

ビデオストリームを格納した前記ストリームファイルを指定するファイル参照情報を含み、

前記ストリームファイルは、インターリーブされたトランスポートストリームファイルと、通常形式のトランスポートストリームファイルであり、前記インターリーブされたトランスポートストリームファイルは、レフトビュービデオストリームを格納したトランスポートストリームを分割することで得られる複数の分割部分、及び、ライトビュービデオストリームを格納したトランスポートストリームを分割す

ること得られる複数の分割部分のそれぞれを、交互に配置することで構成されており、前記ファイル参照情報と同じ識別番号と、インターリーブされている旨を示す拡張子とによって特定され、

前記通常形式のトランスポートストリームファイルは、前記レフトビュービデオストリーム及び前記ライトビュービデオストリームの何れか一方であって、単独再生することができるベースビュービデオストリームを格納しており、前記ファイル参照情報と同じ識別番号と、通常形式である旨を示す拡張子とによって特定され、

前記再生装置は、

前記プレイリスト情報におけるファイル参照情報で特定されるトランスポートストリームファイルを記録媒体から読み出す読出手段と、

読み出されたトランスポートストリームファイルに格納されているビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコードを行い、非圧縮のピクチャデータを得るデコーダと、

自機出力モードを格納しているモードレジスタと、

前記モードレジスタに格納されている出力モードに従い、デコーダによって得られた非圧縮のピクチャデータを出力する出力手段とを備え、

前記読出手段は、

出力モードが平面視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、トランスポートストリーム形式を示す拡張子とによって特定される通常形式のトランスポートストリームファイルを読み出し、

出力モードが立体視出力モードである場合、前記プレイリスト情報におけるファイル参照情報と、インターリーブされていることを示す拡張子とによって特定されるインターリーブされたトランスポートストリームファイルを読み出す

ことを特徴とする記録媒体再生システム。

〔請求項20〕 (追加後)

プレイリスト情報と、ビデオストリームとを記録媒体に記録する記録方法であって、

複数のエクステントを含んだベースビュービデオストリームと複数のエクステントを含んだディペンデントビュービデオストリームを生成するステップと、

前記ベースビュービデオストリームに属するエクステントと前記ディペンデントビューに属するエクステントが交互に配置されたデータを記録するステップと、

プレイリスト情報を記録するステップとを備え、

前記プレイリスト情報は、1つ以上の再生区間情報を含み、

前記再生区間情報は、

前記ビデオストリームを格納したトランスポートストリームに対応したストリームファ

イルを指定するファイル参照情報と、

再生可能なビデオストリームを示すストリーム許可テーブルと、

ベースビュー指定情報とを含み、

前記ベースビュー指定情報は、前記ベースビュービデオストリームは、レフトビュービデオストリームとライトビュービデオストリームのいずれであるかを示している

ことを特徴とする記録方法。

〔請求項21〕 (追加後)

記録媒体と、前記記録媒体を再生する再生装置を備えた記録媒体再生システムであって、

前記記録媒体には、プレイリスト情報と、ストリームファイルとが記録されており、前記プレイリスト情報は、1つ以上の再生区間情報を含み、

前記再生区間情報は、

前記ストリームファイルを指定するファイル参照情報と、
再生可能なビデオストリームを示すストリーム許可テーブルと、
ベースビュー指定情報とを含み、

前記ビデオストリームには、立体視再生を可能とするレフトビュー
ビデオストリーム、ライトビュービデオストリームがあり、

前記ベースビュー指定情報は、前記レフトビュービデオストリーム
及び前記ライトビュービデオストリームのうちどちらが、単独で平面
視再生を行うことができるベースビュービデオストリームであるかを
示しており、

前記再生装置は、

前記プレイリスト情報におけるファイル参照情報で特定されるトラ
ンスポートストリームファイルを読み出す読出手段と、

読み出されたトランスポートストリームファイルに格納されている
ビデオストリームに含まれる圧縮ピクチャデータの供給を受けてデコ
ードを行い、非圧縮のピクチャデータを得るデコーダと、

自機の出力モードを格納しているモードレジスタと、

前記モードレジスタに格納されている出力モードに従い、デコーダ
によって得られた非圧縮のピクチャデータを出力する出力手段とを備
え、

前記デコーダは、

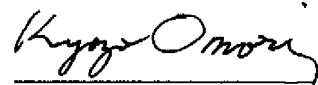
平面視再生を行う場合、前記ベースビュー指定情報により示される
ベースビュービデオストリームを構成するピクチャデータのデコード
を行う

ことを特徴とする記録媒体再生システム。

VERIFICATION OF TRANSLATION

I, Kyoze Omori, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the claims of PCT/JP2009/004554 after amendment under PCT article 34 for which the patentability was indicated in the Written Opinion of the International Preliminary Examining Authority.

Date: February 8, 2011



Kyoze Omori

CLAIMS

3. A playback device for playing back a video stream in accordance with playlist information, comprising:

5 a reading unit operable to read out a transport stream file from a recording medium, the transport stream file being identified by file reference information included in the playlist information;

 a decoder operable to obtain non-compressed picture data by decoding compressed picture data that is included in a video stream stored in the read-out
10 transport stream file;

 a mode register storing an output mode of the playback device; and

 an output unit operable to output the obtained non-compressed picture data in accordance with the output mode stored in the mode register, wherein

 when the output mode is a planar-view output mode, the reading unit reads
15 out a normal-format transport stream file that is identified by a combination of (i) the file reference information included in the playlist information and (ii) a file extension indicating that video streams are stored in a normal manner, and

 when the output mode is a stereoscopic-view output mode, the reading unit reads out an interleaved transport stream file that is identified by a combination of
20 (i) the file reference information included in the playlist information and (ii) a file extension indicating that video streams are stored in an interleaved manner.

4. The playback device of Claim 3 further comprising:

 a register indicating a user setting;

25 a capability register indicating whether or not a display device connected with the playback device supports a stereoscopic playback; and

 a setting unit operable to judge whether or not a plurality of conditions are satisfied, and set the output mode to a stereoscopic output mode when it is judged that the plurality of conditions are satisfied, wherein

30 a first condition among the plurality of conditions is that the register

indicating the user setting indicates that a user desires the stereoscopic playback,

a second condition among the plurality of conditions is that the capability register indicates that the display device connected with the playback device supports the stereoscopic playback, and

5 the output mode is set to the stereoscopic output mode when the first condition and the second condition are satisfied.

5. The playback device of Claim 4, wherein

an operation mode of the playback device includes a first mode in which an
10 operation subject is a command interpreter, and a second mode in which the operation subject is a byte code interpreter, and

when a switch between output modes occurs in the second mode, an event is notified to a byte code application that is executed by the byte code interpreter.

15 6. A system LSI embedded in a playback device together with a drive device that reads out a transport stream file that is identified by file reference information included in playlist information, the system LSI comprising:

a decoder operable to obtain non-compressed picture data by decoding compressed picture data that is included in a video stream stored in the transport
20 stream file;

a mode register storing an output mode of the playback device; and

a control unit operable to control the playback device to output the obtained non-compressed picture data in accordance with the output mode stored in the mode register, wherein

25 when the output mode is a planar-view output mode, the control unit controls the drive device to read out a normal-format transport stream file that is identified by a combination of (i) the file reference information included in the playlist information and (ii) a file extension indicating that video streams are stored in a normal manner, and

30 when the output mode is a stereoscopic-view output mode, the control unit

controls the drive device to read out an interleaved transport stream file that is identified by a combination of (i) the file reference information included in the playlist information and (ii) a file extension indicating that video streams are stored in an interleaved manner.

5

7. The system LSI of Claim 6 further comprising:

a register indicating a user setting;

a capability register indicating whether or not a display device connected with the playback device supports a stereoscopic playback, wherein

10 the control unit judges whether or not a plurality of conditions are satisfied, and sets the output mode to a stereoscopic output mode when it is judged that the plurality of conditions are satisfied,

a first condition among the plurality of conditions is that the register indicating the user setting indicates that a user desires the stereoscopic playback,

15 a second condition among the plurality of conditions is that the capability register indicates that the display device supports the stereoscopic playback, and

the output mode is set to the stereoscopic output mode when the first condition and the second condition are satisfied.

20 8. A playback method for performing, on a computer, a process of playing back a video stream in accordance with playlist information, the playback method comprising the steps of:

reading out a transport stream file from a recording medium, the transport stream file being identified by file reference information included in the playlist information;

25

obtaining non-compressed picture data by decoding compressed picture data that is included in a video stream stored in the read-out transport stream file; and

outputting the obtained non-compressed picture data in accordance with an output mode stored in a mode register of the computer, wherein

30 when the output mode is a planar-view output mode, the reading step reads

out a normal-format transport stream file that is identified by a combination of (i) the file reference information included in the playlist information and (ii) a file extension indicating that video streams are stored in a normal manner, and

when the output mode is a stereoscopic-view output mode, the reading step
5 reads out an interleaved transport stream file that is identified by a combination of (i) the file reference information included in the playlist information and (ii) a file extension indicating that video streams are stored in an interleaved manner.

9. The playback method of Claim 8, wherein

10 the computer includes:

a register indicating a user setting;

a capability register indicating whether or not a display device connected with the computer supports a stereoscopic playback, wherein

the playback method further comprises the step of

15 judging whether or not a plurality of conditions are satisfied, and setting the output mode to a stereoscopic output mode when it is judged that the plurality of conditions are satisfied, wherein

a first condition among the plurality of conditions is that the register indicating the user setting indicates that a user desires the stereoscopic playback,

20 a second condition among the plurality of conditions is that the capability register indicates that the display device supports the stereoscopic playback, and

the output mode is set to the stereoscopic output mode when the first condition and the second condition are satisfied.

25 18. (Added) A recording method for recording, onto a recording medium, playlist information and an AV stream including a left-view stream and a right-view stream, the recording method comprising the steps of:

generating the left-view stream including a plurality of extents and the right-view stream including a plurality of extents;

30 generating a file entry for a transport file in an interleave format, and

recording data in which the plurality of extents belonging to the left-view stream and the plurality of extents belonging to the right-view stream are interleaved;

recording the file entry for the transport file in the interleave format;

generating a file entry for a transport file in a normal format, and recording
5 the file entry; and

recording the playlist information,

wherein the playlist information includes one or more pieces of playback section information,

the one or more pieces of playback section information include file
10 reference information that specifies a stream file corresponding to the AV stream,

the transport stream file in the interleave format stores both the plurality of extents belonging to the left-view stream and the plurality of extents belonging to the right-view stream, the transport stream file in the interleave format being identified by a combination of (i) an identification number which is equivalent with
15 the file reference information and (ii) a file extension indicating being interleaved, and

the transport file in the normal format stores a plurality of extents, which are either the plurality of extents belonging to the left-view stream or the plurality of extents belonging to the right-view stream and belong to a base-view stream which
20 can be played back independently, the transport file in the normal format being identified by a combination of (i) the identification number which is equivalent with the file reference information and (ii) a file extension indicating being the normal format.

25 19. (Added) A recording medium playback system comprising a recording medium and a playback device for playing back the recording medium,

the recording medium having playlist information and stream files recorded thereon,

wherein the playlist information includes one or more pieces of playback
30 section information,

the one or more pieces of playback section information include file reference information that specifies the stream files storing video streams,

the stream files are an interleaved transport stream file and a normal-format transport stream file,

5 in the interleaved transport stream file, a plurality of segments belonging to a left-view video stream and a plurality of segments belonging to a right-view video stream are arranged in an interleaved manner, the interleaved transport stream file being identified by a combination of an equivalent identification number and a file extension indicating that video streams are stored in the interleaved manner, the
10 equivalent identification number being equivalent with the file reference information, and

the normal-format transport stream file stores a base-view video stream, and is identified by a combination of the equivalent identification number and a file extension indicating that video streams are stored in a normal manner, the base-view
15 video stream being either the left-view video stream or the right-view video stream that can be played back in a planar-view playback,

the playback device including:

a reading unit operable to read out a transport stream file from a recording medium, the transport stream file being identified by file reference information
20 included in the playlist information;

a decoder operable to obtain non-compressed picture data by decoding compressed picture data that is included in a video stream stored in the read-out transport stream file;

a mode register storing an output mode of the playback device; and

25 an output unit operable to output the obtained non-compressed picture data in accordance with the output mode stored in the mode register,

wherein when the output mode is a planar-view output mode, the reading unit reads out a normal-format transport stream file that is identified by a combination of (i) the file reference information included in the playlist information
30 and (ii) a file extension indicating that video streams are stored in a normal manner,

and

when the output mode is a stereoscopic-view output mode, the reading unit reads out an interleaved transport stream file that is identified by a combination of (i) the file reference information included in the playlist information and (ii) a file
5 extension indicating that video streams are stored in an interleaved manner.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/566,989	09/25/2009	Wataru IKEDA	2009_1466A	3431

52349	7590	04/22/2011
WENDEROTH, LIND & PONACK L.L.P.		
1030 15th Street, N.W.		
Suite 400 East		
Washington, DC 20005-1503		

EXAMINER	
DASTOURI, MEHRDAD	

ART UNIT	PAPER NUMBER
2486	

NOTIFICATION DATE	DELIVERY MODE
04/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
eoa@wenderoth.com



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WENDEROTH, LIND & PONACK L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

In re Application of: IKEDA, WATARU, et al.
Application No. 12/566,989
Filed: September 25, 2010
For: RECORDING MEDIUM, PLAYBACK DEVICE,
SYSTEM LSI, PLAYBACK METHOD, GLASSES,
AND DISPLAY DEVICE FOR 3D IMAGES

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED

APR 21 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 14, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.
- (8) As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.
- (9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively."

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Application SN 12/566,989
Decision on Petition

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



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Paper No.

PHILIP S. JOHNSON
JOHNSON & JOHNSON
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NEW BRUNSWICK NJ 08933-7003

MAILED
JAN 13 2012
OFFICE OF PETITIONS

In re Application of	:	
Pugh et al.	:	
Application No. 12/567,049	:	DECISION ON PETITION
Filed: September 25, 2009	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.137(B)
VTN5232USNP	:	
Title: VARIABLE FOCUS	:	
OPHTHALMIC DEVICE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 14, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed November 16, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 17, 2011. A notice of abandonment was mailed on July 11, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;


- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition fee will be charged to Deposit Account No. 10-0750 in due course, as authorized on the transmittal letter submitted to the Office on October 23, 2009.

With this petition, Petitioner has submitted an amendment and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 14, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.** Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/567,091	09/25/2009	Masayuki KATO	1000409-000327	3608
7590 07/26/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER KWON, JOHN	
			ART UNIT 3747	PAPER NUMBER -
			NOTIFICATION DATE 07/26/2011	DELIVERY MODE ELECTRONIC

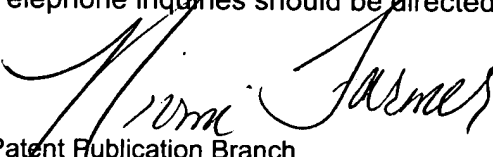
DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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**VOLPE AND KOENIG, P.C.
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PHILADELPHIA PA 19103**

**MAILED
MAY 10 2011
OFFICE OF PETITIONS**

In re Application of :
James Hunkins, et al. :
Application No. 12/567,138 : **DECISION ON PETITION**
Filed: September 25, 2009 :
Attorney Docket No. AMD-050052C :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 14, 2010. The Notice of Abandonment was mailed February 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2624 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BARBARA B. COURTNEY**
718 UNIVERSITY AVENUE, SUITE 216
LOS GATOS, CA 95033



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Patent No. : 8141122
Ser. No. : 12/567143
Inventor(s) : ALKAN, ERDOGAN
Issued : 03/20/2012
Title : RF TERMINATE/PERMIT SYSTEM
Docket No. : PPC.91464-NY

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) in the Specification, Column 2 Line 7, Column 7 Lines 3 & 32, and Column 12 Line 22, are printed in accordance with the Specification filed on 9-25-09.

In view of the foregoing, your request, in this matter, is hereby denied. The errors can be corrected if the \$100 fee is accompanied by a Second Request for a Certificate of Correction.

A Certificate of Correction will be issued to correct the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

SCHMEISER OLSEN & WATTS LLP
22 CENTURY HILL DRIVE, SUITE 302
LATHAM NY 12110

OL

[0004] Fig. 1 illustrates one example of a CATV system 100 that includes a head-end facility 102 and a plurality of local networks 104, which are connected to the head-end facility 102 by distribution lines 106. Each local network 104 includes a feed tap 108, a drop-line 110, and a portion 112 with a premise 114. The premise 114 is connected to the head-end facility 102 via the combination of the distribution line 106, the feed tap 108, and the drop-line 110. The system 100 further includes a downstream bandwidth 116 and an upstream bandwidth 118, both of which are discussed in more detail below.

[0005] Typically the downstream bandwidth 116 and the upstream bandwidth 118 are defined by upper and lower cutoff frequencies. Exemplary frequencies for the downstream bandwidth 116 are more than about 54 Mhz, and in one application can be from about 54 Mhz to about 1002 Mhz. Frequencies for use as the upstream bandwidth 118 are less than about 40 Mhz, and in one application can be from about 5 Mhz to about 40 Mhz.

[0006] The terms “downstream bandwidth,” and “upstream bandwidth” are used herein to generally describe some of the transmissions that are transmitted, exchanged, and manipulated within systems such as the CATV system 100. As is inherent in systems such as system 102, these terms are used in a manner that describes any number of transmissions. Moreover, each of the transmissions that are described by these terms may exhibit properties that are similar to, or different from, other (the) properties of other transmissions. These other transmissions can also be classified by the terms “downstream bandwidth,” and/or “upstream bandwidth” as used in connection with the various embodiments of the present invention that are disclosed, described, and contemplated herein.

[0007] In addition to CATV systems, systems that are configured similar to the system 100 of Fig. 1 include, but are not limited to, other uni-directional, and bi-directional communication systems that communicate with remote premises. Similar systems may transmit the transmissions via transmission lines, e.g., distribution lines 106, and drop lines 110. Transmission lines of the type used as the transmission lines are typically transmission-carrying conductors such as, for example, coaxial cable, shielded cable, multi-core cable, ribbon cable, and twisted-pair cable, among others.

(Fig. 1). For example, and with particular reference to Fig. 2, there is illustrated an example of a terminate or permit device 200 that is made in accordance with concepts of the present invention. Here, it is seen that the terminate or permit device 200 includes an internal circuitry 202 that has a head-end side 204 and a premise side 206. The premise side 206 is coupled to a feed tap 208 via a drop line 210. The apparatus 200 is positioned in a portion 212 of a system, in a configuration similar to the portion 112 of the system 100 of Fig. 1, and more particularly the premise side 206 is coupled to a premise 214.

[0036] In the present example, the premise 214 receives a downstream bandwidth 216, and generates an upstream bandwidth 218, as discussed in more detail below. The premise 214 includes a head-end access point 220, and an internal wiring system 222 with a plurality of input ports 224, and a plurality of lines 225, which connect the head-end access point 220 with each of the input ports 224. The premise 214 may also have a number of signal operative devices 226 that includes a noise generator 228, which generates a noise 230, and several premise devices 232 that generate a non-noise transmission 234.

[0037] The premise 214 further includes connective cables 236 that connect the premise devices 232 to, e.g., the input ports 224. Here, it is seen that the premise 214 includes a pair of connected ports 238 and an open port 240. The connected ports 238 are coupled to the premise devices 232, via the connective cables 236. The open port 240 is not connected to any of the premise devices 232. It is, for purposes of the discussion of the present example, an "open port" as this term is described above and used herein.

[0038] The noise 230 and the non-noise transmission 234 are carried by one or more of the lines 225 towards the head-end access point 220, where they can exit the premise 214 at the head-end access point 220 as the upstream bandwidth 218. Typically the non-noise transmission 234 originates from the connected ports 238. Exemplary transmissions that the non-noise transmission 234 can be include, but are not limited to, transmissions from modems, set-top-boxes, televisions, computers, and any combination thereof. On the other hand, the open port 240 is generally susceptible to random noise that is generated within the premise 214. This includes, for example, the noise 230 that originates from the noise generator 228.

the STU, e.g., the STU 518 (Fig. 5), and more particularly from the SPU head-end side 652 to the SPU premise side 654. In this configuration, the directional coupler generates the coupled portion 684 so that the coupled portion 684 has characteristics that are similar to the upstream bandwidth, but without substantially interrupting the transmission of the upstream bandwidth through the SPU 616. Typical directional couplers that are used in the coupling circuit 670 have a coupling ratio greater than about 17 (dB), and in one particular construction the coupling ratio is from about 17 (dB) to about 20 (dB).

[0064] The detector circuit 668 is comprised of electrical elements that are generally configured to generate the detected portion 686. It may include a log detector, the construction of which will be generally recognized by those artisans having ordinary skill in the electrical arts. In one example, the detected portion 686 comprises a square wave.

[0065] Suitable circuits for use as the amplifier circuit 670 generally comprise electrical elements that are arranged in a manner that modifies the detected portion 686. This may include, for example, arranging the electrical elements so that the input 682 is the amplified version of the detected portion 586. In one embodiment of the apparatus, such as apparatus 200, 300, 400, 500 these elements may increase the power, amplitude, or other characteristic of the detected portion 686.

[0066] The pulse adjuster circuit 672 is generally configured to generate the pulses 690 from the first pulse in the pulse trains of the input 682. Each of the long may have a pulse length that is meant to cover one or more of the pulses in the pulse train. Exemplary circuitry for use in the pulse adjuster circuit 672 may include transistors, resistors, and capacitors. One construction of the pulse adjuster circuit 672 may include a multi-vibrator with at least one resistor and one capacitor so that the pulse length of the long pulses can be set in accordance with the Equation 1 below,

$$t_w = \alpha \times R \times C , \quad \text{Equation (1)}$$

where t_w is the pulse length, α is a constant (such as, a constant set by a manufacturer of the multi-vibrator), R is a value for the resistor, and C is a value for the capacitor.



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Patent Services
101 Columbia Road
P.O.Box 2245
Morristown NJ 07962

MAILED
OCT 14 2011
OFFICE OF PETITIONS

In re Application of :
Ynjuin P. Wang, et al. :
Application No. 12/567,158 : DECISION GRANTING PETITION
Filed: September 25, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H0022017 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 13, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 8, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2887 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement and amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JAN 14 2011

OFFICE OF PETITIONS

In re Application of
DEMOS
Application No. 12/567,161
Filed: September 25, 2009
Attorney Docket No. **07314-0015004**

**DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed December 21, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions



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Paper No.

MOORE LANDREY
1609 SHOAL CREEK BLVD
SUITE 100
AUSTIN TX 78701

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OFFICE OF PETITIONS

In re Application of	:	
Thomas Bryant Harrison	:	
Application No. 12/567,168	:	DECISION ON PETITION
Filed: September 25, 2009	:	PURSUANT TO
Attorney Docket No.: 09-0232	:	37 C.F.R. § 1.181
Title: SUNSHADE FOR USE WITH	:	
GOLF CARTS	:	

This is a decision on the petition filed on September 15, 2010, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition pursuant to 37 C.F.R. § 1.181 is **DISMISSED**.

BACKGROUND

This application was filed on September 25, 2009, with 31 pages of drawings (original drawings). A Notice to File Corrected Application Papers (first notice) was mailed on October 14, 2009, which set a shortened statutory period for reply of two months and indicated that corrected drawings were required as the drawings:

- do not have the appropriate margins (Figs. 2, 9, 14, 23, 24, 25);
- are not reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks (Figs. 13, 19, 26, 29-32), and;
- are not of a sufficient quality so as to be electronically reproducible (Fig. 26).

On December 3, 2009, in response to the first notice, 11 pages of drawings (second set of drawings) were submitted to the Office. It is noted in passing that none of these drawings

contain the label "replacement sheet," as is required by 37 C.F.R. §§ 1.84(c) and 1.121(d).

In response to the submission of the second set of drawings, the Office mailed a Notice to File Corrected Application Papers (second notice) on December 15, 2009, which indicated that corrected drawings were required as the drawings:

- are not reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks (Figs. 2, 9, 24), and;
- are not of a sufficient quality so as to be electronically reproducible (Figs. 2, 9, 13, 14, 19, 23, 25, 29-31).

The above-identified application became abandoned for failure to reply in a timely manner to the second notice, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 16, 2010. A notice of abandonment was mailed August 20, 2010.

ANALYSIS

With this petition, Petitioner argues that the second notice "contains boilerplate that ignores the specific factual record of this application"¹ and that the submission of the second set of drawings "has not been acknowledged by the Office," in that the Office "erred by ignoring the existence of" the second set of drawings.²

This petition is silent as to why no response was provided to the second notice. It follows that the record does not support a finding that the holding of abandonment should be withdrawn.

Petitioner does not appear to appreciate that the second notice was mailed in response to the submission of the second set of drawings. The Office did not ignore the existence of the second set of drawings: the Office provided notification to Petitioner that the second set of drawings are not in compliance with Office requirements, provided a two-month period for Petitioner to provide compliant drawings, Petitioner failed to respond, and this application went abandoned pursuant to 37 C.F.R. § 1.135(a).³

¹ Petition, page 2.

² Id.

³ "If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise."

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner should consider submitting a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b).

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁴ hand-delivery,⁵ or facsimile.⁶ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁷

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁸.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

6 (571) 273-8300: please note this is a central facsimile number.

7 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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OFFICE OF PETITIONS

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AUSTIN TX 78701

In re Application of	:	
Thomas Bryant Harrison	:	
Application No. 12/567,168	:	DECISION ON PETITION
Filed: September 25, 2009	:	PURSUANT TO
Attorney Docket No.: 09-0232	:	37 C.F.R. § 1.137(B)
Title: SUNSHADE FOR USE WITH	:	
GOLF CARTS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed January 27, 2011.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

This application was filed on September 25, 2009, with 31 pages of drawings (original drawings). A Notice to File Corrected Application Papers (first notice) was mailed on October 14, 2009, which set a shortened statutory period for reply of two months and indicated that corrected drawings were required as the drawings:

- do not have the appropriate margins (Figs. 2, 9, 14, 23, 24, 25);
- are not reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks (Figs. 13, 19, 26, 29-32), and;
- are not of a sufficient quality so as to be electronically reproducible (Fig. 26).

On December 3, 2009, in response to the first notice, 11 pages of drawings (second set of drawings) were submitted to the Office. It is noted in passing that none of these drawings contain the label "replacement sheet," as is required by 37 C.F.R. §§ 1.84(c) and 1.121(d).

In response to the submission of the second set of drawings, the Office mailed a Notice to File Corrected Application Papers

(second notice) on December 15, 2009, which indicated that corrected drawings were required as the drawings:

- are not reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks (Figs. 2, 9, 24), and;
- are not of a sufficient quality so as to be electronically reproducible (Figs. 2, 9, 13, 14, 19, 23, 25, 29-31).

The above-identified application became abandoned for failure to reply in a timely manner to the second notice, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 16, 2010. A notice of abandonment was mailed August 20, 2010.

A petition pursuant to 37 C.F.R. § 1.181 was filed on September 15, 2010 and was dismissed via the mailing of a decision on November 29, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has submitted the petition fee, nine sheets of replacement drawings, and the proper statement of unintentional delay.

Requirements (2) and (3) of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹ The first requirement of

¹ See Rule 1.137(d).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

Rule 1.137(b) has not been satisfied, as will now be pointed out.

Regarding the first requirement of Rule 1.137(b), the requirement has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is a reply which would have been sufficient to have avoided abandonment, had such reply been timely filed.² In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (i.e., acceptable replacement drawings). Petitioner has submitted nine pages of replacement drawings as well as a two-page "response to notice to file corrected application papers mailed December 15, 2009" which is being construed as an amendment directing the entry of the nine pages of drawings. However, each of the nine sheets of **replacement drawings submitted on January 27, 2011 is not labeled as a "Replacement Sheet," as is required by 37 C.F.R. §§ 1.84(c) and 1.121(d).**

In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1), i.e., **replacement drawing which comply with 37 C.F.R. §§ 1.84(c)³ and 1.121(d),⁴ and an amendment directing the entry of the same.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁵ hand-delivery,⁶ or facsimile.⁷ Registered

2 See M.P.E.P. § 711.03(c).

3 Rule 1.84(c) sets forth, *in pertinent part*: "[e]ach drawing sheet submitted after the filing date of an application must be identified as ... "Replacement Sheet."

4 Rule 1.121(d) sets forth, *in pertinent part*: "[a]ny changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet".

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

7 (571) 273-8300 - please note this is a central facsimile number.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁸

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁹

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁸ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

⁹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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AUG 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas Bryant Harrison	:	
Application No. 12/567,168	:	DECISION ON RENEWED PETITION
Filed: September 25, 2009	:	PURSUANT TO
Attorney Docket No.: 09-0232	:	37 C.F.R. § 1.137(B)
Title: SUNSHADE FOR USE WITH	:	
GOLF CARTS	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed July 29, 2011.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

This application was filed on September 25, 2009, with 31 pages of drawings (original drawings). A Notice to File Corrected Application Papers (first notice) was mailed on October 14, 2009, which set a shortened statutory period for reply of two months and indicated that corrected drawings were required as the drawings:

- do not have the appropriate margins (Figs. 2, 9, 14, 23, 24, 25);
- are not reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks (Figs. 13, 19, 26, 29-32), and;
- are not of a sufficient quality so as to be electronically reproducible (Fig. 26).

On December 3, 2009, in response to the first notice, 11 pages of drawings (second set of drawings) were submitted to the Office.

In response to the submission of the second set of drawings, the Office mailed a Notice to File Corrected Application Papers (second notice) on December 15, 2009, which indicated that corrected drawings were required as the drawings:

Decision on renewed petition pursuant to 37 C.F.R. § 1.137(b)

- are not reasonably free from erasures, alterations, overwriting, interlineations, folds, and copy marks (Figs. 2, 9, 24), and;
- are not of a sufficient quality so as to be electronically reproducible (Figs. 2, 9, 13, 14, 19, 23, 25, 29-31).

The above-identified application became abandoned for failure to reply in a timely manner to the second notice, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 16, 2010. A notice of abandonment was mailed August 20, 2010.

A petition pursuant to 37 C.F.R. § 1.181 was filed on September 15, 2010 and was dismissed via the mailing of a decision on November 29, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on January 27, 2011, along with the petition fee, nine sheets of replacement drawings, and the proper statement of unintentional delay. The original petition pursuant to 37 C.F.R. § 1.137(b) was dismissed via the mailing of a decision on June 3, 2011, which indicated that Requirements (2) and (3) of Rule 1.137(b) have been satisfied, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

¹ See Rule 1.137(d).

Decision on renewed petition pursuant to 37 C.F.R. § 1.137(b)

With this renewed petition, Petitioner has included nine sheets of properly labeled replacement drawings, along with an amendment directing the entry of the same. As such, the first requirement of Rule 1.137(b) has been satisfied.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.²

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gray Robinson
ATTN: STEFAN V. STEIN/ IP DEPT.
201 N. Franklin Street, Suite 2200
Post Office Box 3324
TAMPA FL 33601-3324

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Bahman Khoshnood
Application No. 12/567,187
Filed: September 25, 2009
Attorney Docket No. **54116360.1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Stefan V. Stein on behalf of all attorneys of record who are associated with Customer Number 34802.

All attorneys/agents associated with Customer Number 34802 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Bahman Khoshnood at the address list listed in the request.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Bahman Khoshnood
6601 Lions Road, Suite L3
Coconut Grove, FL 33073



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/567,187	09/25/2009	Bahman Khoshnood	54116360.1

CONFIRMATION NO. 3805

POWER OF ATTORNEY NOTICE



OC000000043803849

34802
Gray Robinson
ATTN: STEFAN V. STEIN/ IP DEPT.
201 N. Franklin Street, Suite 2200
Post Office Box 3324
TAMPA, FL 33601-3324

Date Mailed: 10/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/567,191	09/25/2009	Shinichiro NAKANO	TOSH/0066US	3809
26290 7590 09/13/2010 PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD SUITE 1500 HOUSTON, TX 77056			EXAMINER	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			09/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
NAKANO, SHINICHIRO et al.	:	DECISION ON REQUEST TO
Application No. 12/567,191	:	PARTICIPATE IN PATENT
Filed: September 25, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. TOSH/0066US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 20, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 5 above since there is no statement that the translation of the Japanese Office action mailed November 17, 2009 is accurate.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response to this decision must be submitted via EFS-web.

Pursuant to the "Notice regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs" published in the Federal Register on May 25, 2010 (75 Fed. Reg. 29312), the fee under 37 CFR 1.17(h) for the petition to make special under the Patent Prosecution Highway (PPH) programs has been eliminated. The application is being forwarded to the TC Tech Support staff to process a refund of \$130.00.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/567,191	09/25/2009	Shinichiro NAKANO	TOSH/0066US	3809
26290 7590 12/23/2010 PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD SUITE 1500 HOUSTON, TX 77056			EXAMINER	
			ART UNIT	PAPER NUMBER
			2484	
			MAIL DATE	DELIVERY MODE
			12/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 23 2010

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of	:	
NAKANO, SHINICHIRO et al.	:	DECISION ON REQUEST TO
Application No. 12/567,191	:	PARTICIPATE IN PATENT
Filed: September 25, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. TOSH/0066US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 13, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LARIVIERE, GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY CA 93940

MAILED

NOV 19 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Barbier, et al.
Application No. 12/567,228
Filed: September 25, 2009
Attorney Docket No. P1924

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:
:
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned January 14, 2010 for failure to timely submit a proper reply to the Notice of File Corrected Application Papers (Notice) mailed October 13, 2009. The Notice set a two month shortened statutory period of time for reply. A one month extension of time was timely procured. Notice of Abandonment was mailed August 12, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$2,220.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioners may request a refund of this fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**CHOATE, HALL & STEWART
CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

**MAILED
NOV 22 2010
OFFICE OF PETITIONS**

In re Application of
SAMUELS, Allen R. et al.
Application No. 12/567,402
Filed: September 25, 2009
Attorney Docket No. **2006579-1816 (CTX-
289CON)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of

Jonathan J. Ricciardi, et al.

Application No. 12/567,428

Filed: September 25, 2009

Attorney Docket No. 1712.007

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that he is in possession of evidence, and will retain such in the application file record, showing that the inventor, Carl Len Ricciardi is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1773 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/567473
Application Title: *Method and Apparatus to Measure Self-Capacitance Using a Single Pin*
First Named Inventor: Martin John Simmons
Filing Date: 25 September 2009
Confirmation No.: 4404
Art Unit: 2629
Examiner: Richard A. Hjerbe

Petition to Make Special Under 37 C.F.R. § 1.102

Applicant submits this Petition under 37 C.F.R. § 1.102 to have this Application accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at* http://www.uspto.gov/patents/init_events/brs_conditions.pdf):

- a) Applicant seeks special status for this Application on the basis of the express abandonment of co-pending U.S. Patent Application No. 11/822308;
- b) Applicant includes with this Petition a copy of the Declaration of Abandonment of U.S. Patent Application No. 11/822308;
- c) The relationship between this Application and U.S. Patent Application No. 11/822308 that qualifies this Application for special status is this Application and U.S. Patent Application No. 11/822308 having a common assignee, Atmel Corporation;
- d) Applicant is expressly abandoning U.S. Patent Application No. 11/822308;
- e) Applicant certifies that Applicant has not filed petitions in more than 14 other applications requesting special status under this program; and
- f) Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of this Application to be made special are directed to two or more independent and distinct inventions.

ATTORNEY DOCKET
080900.0249
09024QRG

PATENT APPLICATION
12/567473

2 of 2

Conclusion

Applicant respectfully petitions the Office to accord this Application special status. The Commissioner may charge any fee due and credit any overpayment for this Application to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'T. Thomas', with a horizontal line extending from the end.

Travis W. Thomas
Reg. No. 48,667

Date: 12 April 2011

Customer No. 12323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/822308
Application Title: *Scalable Method for Access Control*
First Named Inventor: Ulrich Friedrich
Filing Date: 5 July 2007
Confirmation No.: 4962
Art Unit: 2612
Examiner: John F. Mortell

Declaration of Abandonment Under 37 C.F.R. § 1.138(a)

Applicant hereby expressly abandons this Application to have co-pending U.S. Patent Application No. 12/567473 accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at* http://www.uspto.gov/patents/init_events/brs_conditions.pdf), Applicant states:

- a) Applicant has not and will not file an application that claims the benefit of U.S. Patent Application No. 11/822308 under any provision of Title 35 of the United States Code;
- b) Applicant agrees not to request a refund of any fees paid in U.S. Patent Application No. 11/822308; and
- c) Applicant has not filed and will not file a new application that claims the same invention claimed in U.S. Patent Application No. 11/822308 (with the phrase “same invention” having the same meaning as used in the context of statutory double-patenting under 35 U.S.C. § 101).

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Travis W. Thomas
Reg. No. 48,667

Date: 12 April 2011

Customer No. 12323



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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APR 21 2011

OFFICE OF PETITIONS

Baker Botts L.L.P.
2001 Ross Avenue, 6th Floor
Dallas TX 75201

In re Application of
SIMMONS
Application No. 12/567,473
Filed: September 25, 2009
Attorney Docket No. **080900.0249**

:
:
DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102
:

This is a decision on the petition under 37 CFR 1.102, filed April 12, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

- a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Item 4 above.

More specifically, the letter of express abandonment under 37 CFR 1.138(a) was not filed before copending application Serial No. 11/822,308 was taken up for examination (Item 4). As such, the present petition to make special must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

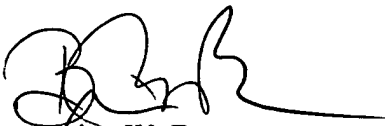
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2629 for action in its regular turn.

A handwritten signature in black ink, appearing to read 'Brian W. Brown', with a long horizontal flourish extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of :
Charles : DECISION ON PETITION
Application No. 12/567,484 :
Filed: 25 September, 2009 :
Attorney Docket No. CHARLES=8B :

This is a decision on the petition filed on 15 December, 2010, pursuant to 37 C.F.R. §1.47

The petition under 37 C.F.R. §1.47(b) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest: and proof of irreparable damage.

Petitioners reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record indicates:

The instant application was filed on 25 September, 2009, without, *inter alia*, a fully executed oath/declaration.

On 29 October, 2009, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 28 December, 2009, Petitioner Roger L. Browdy (Reg. No. 25,618) filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.47 with, *inter alia*, an oath/declaration executed by Shay Ofri, an averred trustee (with authority to sign) of the averred assignee in the place of the legal representative of the non-signing/deceased inventor; and an involved narrative discussing: a plan to meet and then the failure to meet with one identified as a parent of a deceased sole inventor; and the claim of this individual to represent all of the heirs (some of whom are reported to be of full age and some of whom are reported to be minors), but absolutely no evidence of such legal status or even of the appointment of a legal representative of the estate of the deceased sole inventor.

Petitioner failed to provide any showing of the transmittal of the entire application (description, claims, abstract, drawings) to the appropriate heirs and/or legal representative of the deceased sole inventor. Petitioner made a general statement of irreparable harm and submits papers purporting to have been acts of the now-deceased sole inventor to convey interest in instant application to the averred assignee and/or successor in interest thereof. (See MPEP §409.03, and §409.03(a)). Thus, the lack of clarity remains as to the satisfaction of the requirements as outlined above, including the transmission of the entire application—description, claims, abstract and drawings—to the legal representative and/or the heirs of the deceased inventor, directly and/or through Counsel. The petition was dismissed on 15 June, 2010.

On 15 December, 2010, Petitioner filed, *inter alia*, a request and fee for extension of time and re-advanced his petition pursuant to 37 C.F.R. §1.47 with, *inter alia*, pointed to the previously submitted an oath/declaration executed by the authorized signor, and evidenced the appropriate identification of the representative(s) of the deceased inventor and the transmission of the entire application—description, claims, abstract, drawings—to said representatives, and their failure to sign/join in the oath/declaration and application and so constructive refusal to sign/join. Thus, Petitioner appeared to have completed the requirements of a grantable petition pursuant to 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses—including constructive refusal—to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts

Application No. 12/567,484

of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status.

CONCLUSION

The instant petition under 37 C.F.R. §1.47(b) is **granted**.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELENA RUBIN
MOTHER OF MINOR CHILDREN
OF MOSHE CHARLES (DEC.)
128 SOUTH DETROIT STREET
LOS ANGELES, CA 90036

SHIRA CHARLES
DAUGHTER OF
MOSHE CHARLES (DEC.)
417 CEDAR BRIDGE AVENUE/APT. 402
LAKEWOOD, NJ 08701

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of
Charles
Application No. 12/567,484
Filed: 25 September, 2009
Attorney Docket No. CHARLES=8B

:
:
:
:
:
:

COMMUNICATION

Dear Elena Rubin and Shira Charles:

You are named as an inventor (or the legal representative thereof) in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.


Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Application No. 12/567,484

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

MAILED

OCT 01 2010

In re Application of	:	OFFICE OF PETITIONS
Caroline Buckley et al.	:	
Application No. 12/567,489	:	DECISION ACCORDING STATUS
Filed: September 25, 2009	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 355143-991201	:	

This is in response to the renewed petition filed September 20, 2010 under 37 CFR 1.47(a)¹.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on September 25, 2009, without an oath or declaration. Accordingly, on October 15, 2009, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a petition was filed May 17, 2010 under 37 CFR 1.47(a), with a five month extension of time request, arguing that petitioners had not been successful in securing an executed oath or declaration from joint inventor Caroline Buckley. The petition was dismissed in a decision mailed July 12, 2010 because the petition lacked compliance with 37 CFR 1.47(a)(1).

Comes now petitioner with a renewed petition and a one month extension of time.

The renewed petition bears proof that the application papers including the oath or declaration were provided to Ms. Buckley. Further, the petition bears proof that Matt Brown, an executive at the patent assignee, contacted Ms. Buckley and in a message on May 6, 2010 Ms. Buckley conveyed her refusal to sign the declaration and thus to cooperate with the filing of the instant application.

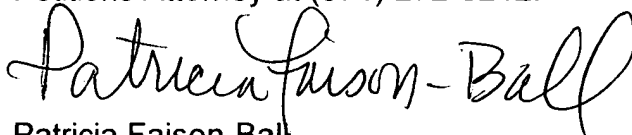
The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

¹A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P' and a long, sweeping underline.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CAROLINE BUCKLEY
85 PARK AVENUE, 301
GLEN RIDGE, NJ 07028

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Caroline Buckley et al.
Application No. 12/567,489
Filed: September 25, 2009

For: **INTERACTIVE MUSIC AND GAME DEVICE AND METHOD**

Dear Ms. Buckley:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248



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LAW OFFICES OF MIKIO ISHIMARU
2055 GATEWAY PLACE
SUITE 700
SAN JOSE CA 95110

MAILED

AUG 10 2011

In re Application of	:	OFFICE OF PETITIONS
Wuping Liu	:	
Application No. 12/567,490	:	DECISION ON PETITION
Filed: September 25, 2009	:	
Attorney Docket No. ICIS-0524-DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 9, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 9, 2011. Accordingly, the date of abandonment of this application is May 10, 2011. A Notice of Abandonment was mailed on May 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 29, 2011

In re Application of :

Seraphin Calo

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12567549

Filed : 25-Sep-2009

Attorney Docket No : RSW920090060US1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2456 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12567549	
Filing Date	25-Sep-2009	
First Named Inventor	Seraphin Calo	
Art Unit	2456	
Examiner Name	MICHAEL WON	
Attorney Docket Number	RSW920090060US1	
Title	ENERGY-EFFICIENT SERVER LOCATION DETERMINATION FOR CONFIGURATION CHANGES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Christopher B. Lee/
Name	Christopher B. Lee
Registration Number	58793

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/08/11

TO SPE OF : ART UNIT 2829

SUBJECT : Request for Certificate of Correction for Appl. No.: 12567583 Patent No.: 7880493

CofC mailroom date: 07/27/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the Director/SPE response to 571-273-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Huyzhan HUY-PHAN

SPE

Art Unit 2858

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

PTOL-306 (REV. 7/03)

200 ☒

08/16/11 TUE 13:38 FAX



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MAILED

SEP 27 2010

OFFICE OF PETITIONS

LOEB & LOEB, LLP
321 North Clark
Suite 2300
Chicago, IL 60654-4746

In re Application of
Michael J. Conrad
Application No. 12/567,604
Filed: September 25, 2009
Attorney Docket No. 213568-30003

:
:
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.


The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jordan A. Sigale on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael J. Conrad at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Michael J. Conrad**
1465 Via Valente
Escondido, CA 92029



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/567,604	09/25/2009	Michael J. Conrad	213568-30003

CONFIRMATION NO. 4664

69139
LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO, IL 60654-4746

POWER OF ATTORNEY NOTICE



Date Mailed: 09/27/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 026335-004110US Application Number (if known): 12/567,696 Filing date: September 25, 2009

First Named Inventor: Robert D. Wieting

Title: SODIUM DOPING METHOD AND SYSTEM OF CIGS BASED MATERIALS USING LARGE SCALE BATCH PROCESSING

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: See attached Petition

Signature /Richard T. Ogawa/

Date 09/16/2010

Name (Print/Typed): Richard T. Ogawa

Registration Number 37,692

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I hereby certify that this correspondence
is being filed Via EFS-Web with the
USPTO on September 16, 2010.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert D. Wieting

Application No.: 12/567,696

Filed: September 25, 2009

For: SODIUM DOPING METHOD AND
SYSTEM OF CIGS BASED MATERIALS
USING LARGE SCALE BATCH PROCESSING

Customer No.: 20350

Attorney Docket No.: 026335-004110US

Confirmation No. 4843

Examiner:

Technology Center/Art Unit:

Petition to Make Special Under The Green
Technology Pilot Program

Date: September 16, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above
identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a),
filed before Dec. 8, 2009.

The application contains no more than three independent claims and twenty or fewer total
claims, and no multiple dependent claims as well.

By filing this petition:

Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee \$300 set forth in CFR 1.18(d) accompanies this request.

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources. The claimed invention relates to an improved large scaled batch process for the manufacture of thin-film CIGS photovoltaic solar energy collector for electric power generation.

By filing this petition: applicant hereby agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/567,696	09/25/2009	ROBERT D. WIETING	026335-004110US	4843
20350 7590 09/29/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER	
			ART UNIT	PAPER NUMBER
			2812	
			MAIL DATE	DELIVERY MODE
			09/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Robert D. WIETING	:	DECISION ON PETITION
Application No. 12/567,696	:	TO MAKE SPECIAL UNDER
Filed: September 25, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-004110US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Aug-10

WILLIAM EDWARD GORMAN
14 ENGLISH RUN CIRCLE
SPARKS MD 21152

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of :
William E. Gorman :
Application Number: 12/567727 : ON PETITION
Filed: 09/25/2009 :
For: CROSS-BORDER TRADING :
SYSTEM USING EXISTING MARKET :
STRUCTURES :

This is a decision in reference to the petition, filed on December 10, 2009, which is treated as a petition to accord the above-identified application a filing date of September 25, 2009.

The petition is **GRANTED**.

On September 25, 2009, the application was deposited without drawings.¹ Accordingly, on October 13, 2009, the Office of Patent Application Processing (OPAP) mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary. An oath or declaration and an additional payment in the amount of \$187.00 was required to complete the search fee. A two (2)-month period for reply was set.

On December 9, 2009, an executed declaration and 11 sheets of drawings were filed.

¹ 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

On December 10, 2009, the subject petition was filed, along with a payment of \$400.00.

Petitioner asserts that the drawings were inadvertently omitted from the application as filed, but requests the application be accorded a filing date of September 25, 2009, notwithstanding.

Petitioner concedes that the drawings were inadvertently omitted from the application as filed. Nevertheless, it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).² A review of the record reveals that the application as filed contains at least one method claim.

Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

The petition is granted. Since the petition was necessitated by an error on the part of the USPTO, the petition fee submitted with the present petition is unnecessary. The petition fee, less the \$187.00 due towards completion of the search fee, will be refunded to petitioner.

The "Notice of Incomplete Nonprovisional Application" mailed on October 13, 2009, was sent in error and is hereby vacated to the extent that it stated that the application was incomplete.

The application will be processed and examined using the application papers filed on September 25, 2009. The copies of the application papers, including the drawings, filed on December 9, 2009, will not be considered part of the original disclosure, but will be retained in the application file.

If petitioner wishes to have the drawings considered in the subject application, a preliminary amendment to enter the drawings should be filed. If a preliminary amendment to enter the drawings is filed, it will be considered by the examiner for new matter.

The correspondence address has been updated to reflect the address in the declaration filed on December 9, 2009.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date

² MPEP 601.01(f).

of September 25, 2009, using only the application papers filed on that date, and for an indication in Office records that no (0) drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571.272.3231.

A handwritten signature in black ink, appearing to read "D Wood", is positioned above the typed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GLOBAL PATENTS/RANDY W. TUNG, ESQ
838 W. LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Anh V. Purser :
Application No. 12/567,756 : **DECISION ON PETITION**
Filed: September 26, 2009 :
Attorney Docket No. **72,000-1383G** :
(RLN212)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 5, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2011. Accordingly, the date of abandonment of this application is July 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is positioned above the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions

Anh Viet Purser
7902 Gerber Road, Box 365
Sacramento, CA 95828



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVIS WRIGHT TREMAINE LLP/Los Angeles
865 FIGUEROA STREET
SUITE 2400
LOS ANGELES CA 90017-2566

MAILED

OCT 04 2011

OFFICE OF PETITIONS

In re Application of :
James Lockshaw et al. :
Application No. 12/567,759 :
Filed: September 26, 2009 :
Attorney Docket No. **94178-001US1** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/567,849	09/28/2009	Kazunori TAKAHASHI	Q115137	5167
7590 03/01/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER VANDEUSEN, CHRISTOPHER	
			ART UNIT 1774	PAPER NUMBER
			NOTIFICATION DATE 03/01/2011	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE of Data Management

RSW IP Law
IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

MAR 20 2012

In re Application of
HADLAND, JOHN K.

Application No. 12/567,904

Filed: September 28, 2009

Attorney Docket No.: AUS920065020US4

:
:
:
:

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on January 25, 2012.

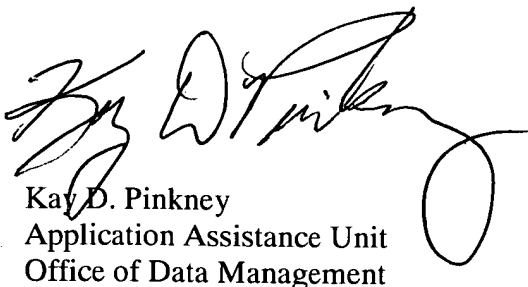
The petition is **GRANTED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed September 6, 2011. The Notice of Abandonment mailed on December 22, 2011 in error.

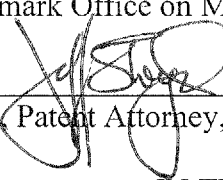
The Office acknowledges receipt of Part B – Fee(s) Transmittal received on December 5, 2011 authorizing that the Issue Fee be charged to Deposit Account No. 09-0461, but handwritten use Deposit Account No. 50-2469.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision matter may be directed to the undersigned at (703) 756-1547.


Kay D. Pinkney
Application Assistance Unit
Office of Data Management

I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on May 20, 2011.


Jeff Lloyd, Patent Attorney, Reg. No. 35,589

COMMUNICATION
Patent Application
Docket No. SUN.LGI.246
Serial No. 12/567,995

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Won Jin Son
Serial No. : 12/567,995
Filed : September 28, 2009
Conf. No. : 5486
For : Light Emitting Apparatus

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

Applicant respectfully requests participation in the Green Technology Pilot Program for the subject application. The Petition to Make Special Under the Green Technology Pilot Program, Form PTO/SB/420, is attached hereto. This application published on April 1, 2010 as U.S. Patent Application Publication No. 2010/0079075 A1, and the publication fee of \$300, as set forth in 37 C.F.R. § 1.18(d), is being electronically paid with the filing of the attached Petition.

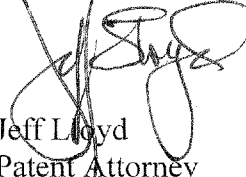
The subject application contains three (3) or less independent claims and a total of twenty (20) or less claims. In particular, a Preliminary Amendment, which is being filed on the same day as the attached Petition, provides twelve (12) total claims (including two independent claims). If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), Applicant will make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements in section II or III of the notice entitled, "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

Applicant asserts that the subject invention materially contributes to the efficient utilization of energy resources by providing more efficient light emitting device chips (as

discussed at paragraphs [0003], [0004], and [0006] of the subject specification). Light emitting device chips are commonly used in many electronic devices, and improving the efficiency of these chips will plainly contribute the efficient utilization of energy resources, which is the second goal listed in item (3) of the Instruction Sheet for the Petition to Make Special Under the Green Technology Pilot Program.

Applicant respectfully asserts that the subject application meets the qualifications of the Green Technology Pilot Program and that the attached Petition meets all the requirements of the Program.

Respectfully submitted,



Jeff Lloyd

Patent Attorney

Registration No. 35,589

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik, Lloyd & Eisenschenk
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

JL/jrr/sjk

Attachment: Form PTO/SB/420

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **SUN.LGI.246** Application Number (if known): **12/567,995** Filing date: **Sept. 28, 2009**

First Named Inventor: **Won Jin Son**

Title: **Light Emitting Apparatus**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature

Date **May 20, 2011**

Name
(Print/Typed)

Jeff Lloyd

Registration Number **35,589**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/567,995	09/28/2009	WON JIN SON	SUN.LGI.246	5486
23557 7590 05/26/2011 SALIWANCHIK, LLOYD & EISENSCHENK A PROFESSIONAL ASSOCIATION PO Box 142950 GAINESVILLE, FL 32614			EXAMINER OWENS, DOUGLAS W	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 05/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

euspto@slepatents.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
Won Jin SON	:	DECISION ON PETITION
Application No. 12/567,995	:	TO MAKE SPECIAL UNDER
Filed: September 28, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. SUN.LGI.246	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND
COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of

Kim, et al.

Application No. 12/568,026

Filed: September 28, 2009

Attorney Docket No.
TK3915USCNT

:
:
: DECISION ON PETITION
:

This is a decision on petition under 37 CFR 1.137(b), filed March 9, 2012, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed December 6, 2011. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on March 7, 2012. A Notice of Abandonment was mailed on March 16, 2012.

Form PTOL-85B, the issue fee payment and publication fee were received on March 9, 2012.

The application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

**VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103**

**MAILED
FEB 22 2012
OFFICE OF PETITIONS**

In re Application of :
Ana Lucia IACONO et al. : **ON PETITION**
Application No. 12/568,029 :
Filed: September 28, 2009 :
Atty. Docket No.: I-2-0423US04 :

This is in response to the papers, filed September 28, 2009, that are collectively being considered as a request to accord 37 CFR 1.47 status.

The request is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Any extension of time will be governed by 37 CFR 1.136(a).

37 CFR 1.63(d)(3) states:

Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The instant submission fails to include a copy of the decision granting § 1.47 status in the prior application.

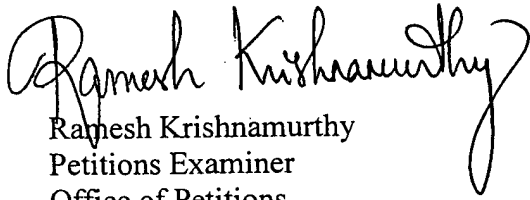
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries relating to this decision should be directed to Robert DeWitty,
Petitions Attorney, Office of Petitions (571-272-8427).


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,031	09/28/2009	Masanao YOSHIMURA	1019952-000256	5565

7590 09/20/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
LIN, JAMES

ART UNIT	PAPER NUMBER
1715	

NOTIFICATION DATE	DELIVERY MODE
09/20/2011	ELECTRONIC

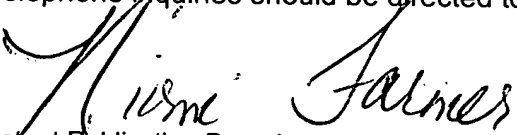
DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,056	09/28/2009	Masato INOUE	1019952-000257	5616
7590 09/21/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				
EXAMINER LEE, NATHANIEL J.				
ART UNIT		PAPER NUMBER		
2889				
NOTIFICATION DATE		DELIVERY MODE		
09/21/2011		ELECTRONIC		

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

SEP 23 2011

In re Application of	:	OFFICE OF PETITIONS
Eriksson et al	:	
Application No. 12/568,063	:	DECISION ON PETITION
Filed: September 28, 2009	:	
Attorney Docket No. 2008P18927US01	:	

This is a decision on the petition under 37 CFR 1.182, filed September 19, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's credit card.

This application is being referred to Technology Center AU 1731 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/568,063	09/28/2009	1731	1220	2008P18927US01	20	3

CONFIRMATION NO. 5635

CORRECTED FILING RECEIPT



OC000000050001087

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Date Mailed: 09/23/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Merry A. Koschan, Maryville, TN;
Charles L. Melcher, Oak Ridge, TN;
Lars A. Eriksson, Oak Ridge, TN;
Harold E. Rothfuss, Knoxville, TN;

Assignment For Published Patent Application

Siemens Medical Solutions USA, Inc., Malvern, PA

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/100,332 09/26/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/02/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/568,063**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

USE OF CODOPING TO MODIFY THE SCINTILLATION PROPERTIES OF INORGANIC
SCINTILLATORS DOPED WITH TRIVALENT ACTIVATORS

Preliminary Class

252

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

JONATHAN P. O'BRIEN, PH. D.
HOMIGMAN MILLER SCHWARTZ AND COHN LLP
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO, MI 49007

MAILED

SEP 22 2011

OFFICE OF PETITIONS

Applicant: Currie, et al.
Appl. No.: 12/568,107
Filing Date: September 28, 2009
Title: METHODS AND COMPOSITIONS FOR THE TREATMENT OF
GASTROINTESTINAL DISORDERS
Attorney Docket No.: 223355/012USCN1/128
Pub. No.: US 2010/0234301 A1
Pub. Date: September 16, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 10, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 55 and 68, wherein the number "1" appears instead of the letter "l" in several instances and wherein the term "guanylate" was improperly printed with a space "guanyl ate".

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The errors in claims 55 and 68, wherein the number "1" appears instead of "l" in several instances and wherein the term "guanylate" was improperly printed with a space "guanyl ate" are typographical errors which are clear to one of ordinary skill in the art. The errors do not affect the public's ability to appreciate the technical disclosure of the patent

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

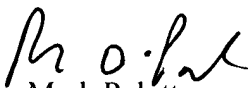
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebs/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/25/11

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction for Appl. No.: 12568124 Patent No.: 7956862

CofC mailroom date: 11/14/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Please check Claims 2 and 3

Should the changes to the claims be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Kee Tung

2628

SPE

Art Unit



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,147	09/28/2009	Yutaka Yoshida	1924.87169	5821
7590 04/04/2011 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER HABERMEHL, JAMES LEE	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			04/04/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

MAILED
NOV 09 2010
OFFICE OF PETITIONS

In re Application of :
Michael Eilersen :
Application No.: 12/568,153 : **ON PETITION**
Filed: September 28, 2009 :
Attorney Docket No.: 6195.220-US :

This is a decision on the petition, filed November 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 21, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2876 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,188	09/28/2009	Kosuke Takano	091619-0315	5888
23524 7590 11/23/2010 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER LAM, HUNG H	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 11/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of	:	
TAKANO, KOSUKE et al.	:	DECISION ON REQUEST TO
Application No. 12/568,188	:	PARTICIPATE IN PATENT
Filed: September 28, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 091619-0315	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 31, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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**HONEYWELL/CANTOR COLBURN
PATENT SERVICES
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN NJ 07962-2245**

**MAILED
SEP 27 2011
OFFICE OF PETITIONS**

In re Application of	:	
BELOW	:	
Application No. 12/568,201	:	DECISION ON PETITION
Filed: September 28, 2009	:	
Attorney Docket No. H0016996	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned December 23, 2010. A Notice of Abandonment was mailed April 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-2800.

This application is being referred to Technology Center AU 2855 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: CHRISTOPHER C. BOEHM
CANTOR COLBURN LLP
20 CHURCH STREET, 22ND FLOOR
HARTFORD, CT 06103



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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

DEC 06 2010

In re Application of	:	OFFICE OF PETITIONS
Christopher J. Butler	:	
Application No. 12/568,214	:	DECISION ON PETITION
Filed: September 28, 2009	:	TO WITHDRAW
Attorney Docket No. 3174.1017-010	:	FROM RECORD
	:	

This is a decision on the Requests to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010 and November 24, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of :
Keil et al. :
Application Number: 12/568223 :
Filing or 371(c) Date: 09/28/2009 : **ON PETITION**
Attorney Docket Number: 24491-0004002 :

This is a decision on the "Petition Under 37 CFR 1.182," filed November 22, to withdraw the Terminal Disclaimer filed September 9, 2010.

The petition is **granted**.

Applicant files the present petition and requests withdrawal of the Terminal Disclaimer. Applicant provides that the Terminal Disclaimer filed September 9, 2010 is in error, and Petitioner files a corrected Terminal Disclaimer Examiner with the present petition.

The Manual of Patent Examining Procedure ("MPEP") 1490, which states:

While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "un-happy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. Since the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).

As the Examiner has agreed to the withdrawal of the Terminal Disclaimer, the petition is granted.

The application is being referred to Technology Center Art Unit 2161 for withdrawal of the Terminal Disclaimer, filed September 9, 2010.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

FEB 18 2011

In re Application of
Keil et al.
Application Number: 12/568223
Filing or 371(c) Date: 09/28/2009
Attorney Docket Number: 24491-0004002

OFFICE OF PETITIONS

**CORRECTED¹ DECISION
ON PETITION**

This is a decision on the "Petition Under 37 CFR 1.182," filed November 22, 2010, to withdraw the Terminal Disclaimer filed September 9, 2010.

The petition is **granted**.

Petitioner files the present petition and requests withdrawal of the Terminal Disclaimer. Petitioner provides that the Terminal Disclaimer filed September 9, 2010 is in error, and Petitioner files a corrected Terminal Disclaimer with the present petitioner.

The Manual of Patent Examining Procedure ("MPEP") 1490, which states:

While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "un-happy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. Since the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).

As the Examiner has agreed to the withdrawal of the Terminal Disclaimer, the petition is granted.

The application is being referred to Technology Center Art Unit 1791 for withdrawal of the Terminal Disclaimer, filed May 30, 2008.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/
Derek L. Woods
Attorney
Office of Petitions

¹ This decision corrects typographical errors in the original decision.



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of :
Keil et al. :
Application Number: 12/568223 :
Filing or 371(c) Date: 09/28/2009 :
Attorney Docket Number: 24491-0004002ARA :

**2nd CORRECTED¹ DECISION
ON PETITION**

This is a decision on the "Petition Under 37 CFR 1.182," filed November 22, 2010, to withdraw the Terminal Disclaimer filed September 9, 2010.

The petition is **granted**.

Petitioner files the present petition and requests withdrawal of the Terminal Disclaimer. Petitioner provides that the Terminal Disclaimer filed September 9, 2010 is in error, and Petitioner files a corrected Terminal Disclaimer with the present petitioner.

The Manual of Patent Examining Procedure ("MPEP") 1490, which states:

While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "un-happy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. Since the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).

As the Examiner has agreed to the withdrawal of the Terminal Disclaimer, the petition is granted.

The application is being referred to Technology Center Art Unit 3673 for withdrawal of the Terminal Disclaimer, filed September 9, 2010.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ This decision corrects typographical errors in the Corrected Decision.



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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of
Donald M. Pell
Application No. 12/568,230
Filed: September 28, 2009
Attorney Docket No. 1145D-0019

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 4, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Donald M. Pell, attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

The application is being forwarded to Technology Center 3771 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE

Patent No. 7,987,901

Patented: August 2, 2011

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above-identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Sven Krueger of Winsen, Germany; Otto N. Fanini of Houston, Texas; Matthias Reinhard Moeller of Braunschweig, Germany; Karsten Fuhst of Hanover, Germany; and William Befeld of Richmond, Texas.

/Shane Bomar/
Supervisory Patent Examiner
Art Unit 3676
Technology Center 3600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,308	09/28/2009	Yasuo Kato	1019952-000258	6124
7590 09/20/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER GLICK, EDWARD J	
			ART UNIT 2882	PAPER NUMBER
			NOTIFICATION DATE 09/20/2011	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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MEYERTONS, HOOD, KIVLIN, KOWERT
& GOETZEL, PC
P.O. BOX 398
AUSTIN, TX 78767-0398

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of
Michael P. Czamara, et al.
Application No. 12/568,323
Filed: September 28, 2009
Attorney Docket No. 5924-15600

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 11, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on September 27, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 15, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being back to Technology Center Art Unit 3784 for examination in due course.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/568,323	09/28/2009	Michael P. Czamara	5924-15600

CONFIRMATION NO. 6150

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 09/07/2011

35690
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,330	09/28/2009	Takahiro Shinbori	1924.87161	6163
7590 03/01/2011 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER BARRON JR, GILBERTO	
			ART UNIT	PAPER NUMBER
			2432	
			MAIL DATE	DELIVERY MODE
			03/01/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Salmer
Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,338	09/28/2009	Keiichi Yorimitsu	1924.87171	6177
7590 10/13/2010				
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
EXAMINER BRAGDON, REGINALD GLENWOOD				
ART UNIT PAPER NUMBER				
2189				
MAIL DATE DELIVERY MODE				
10/13/2010 PAPER				

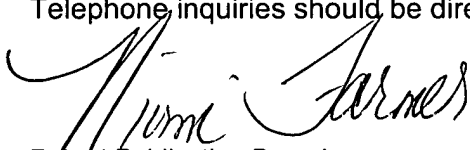
DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
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DE FC:1111 540:00 CH



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,382	09/28/2009	Christopher John Chuter	33849-303	6266

30903 7590 06/21/2011
CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON, TX 77010

EXAMINER	
CASCHERA, ANTONIO A	

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
06/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

wjensen@craincaton.com
jHUDSON@craincaton.com
ipdocket@craincaton.com



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CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

In re application of

Chuter, Christopher John

Application Serial No. **12/568,382**

Filed: **September 28, 2009**

Attorney Docket Number: **33849-303**

**SYSTEM AND METHOD FOR REAL-TIME CO-
RENDERING OF MULTIPLE ATTRIBUTES**

DECISION
ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed February 26, 2010 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the following information submitted on February 26, 2010 be expunged from the record.

1. LANDMARK GRAPHICS CORPORATION, Operational manual on "Seiscube," October 1996, pp. 1-272
2. LANDMARK GRAPHICS CORPORATION, Operational manual on "OpenVision," July 1997, pp. 1-169
3. Landmark Graphics, User Documentation, Faults (Displaying Faults and Using Seismic Planes with Animation and Frame Control), EarthCube, 2002, Pgs. 11-15, 53-55
4. Landmark Graphics, User Documentation, Seismic (Overview & Seismic Display and Navigation), EarthCube, 2002, Pgs. 1, 65-115
5. Landmark Graphics, User Documentation, Setup (Faults & Selecting an Object), EarthCube, 2002, Pgs. 13-20, 93-99
6. COGNISEIS, "VoxelGeo version 2.2 Product Definition version 14", 1996- 05, 27 pages; Houston, Texas
7. VoxelGeo User's Manual 2.1.5, October 1996, 213 Pages, Cogniseis Development, Inc., Houston, Texas
8. VIP Software, 3D View User Guide Data Visualization Techniques, pp. 75-140, March 2001

Petitioner states that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public and the information has not otherwise been made public. By reason of Notice of Allowability mailed March 24, 2011, the examiner has determined the materials submitted under MPEP § 724.02 not to be material to the examination of the instant application to a reasonable examiner. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The expunged material has been rendered unavailable to the public.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any inquiry regarding this decision should be directed to John Peng, Quality Assurance Specialist, at (571) 272-7272.

/ John Peng /

John Peng
Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,396	09/28/2009	Masato INOUE	1019952-000259	6290

7590 09/20/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

BAND, MICHAEL A

ART UNIT	PAPER NUMBER
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1723

NOTIFICATION DATE	DELIVERY MODE
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09/20/2011

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

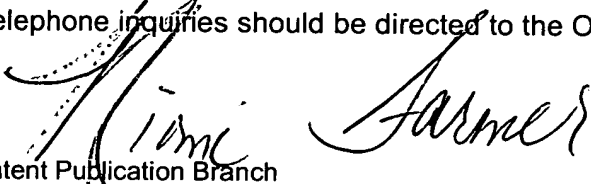
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
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**CHOATE, HALL & STEWART
CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

In re Application of	:	
PEDERSEN, Brad J. et al.	:	
Application No. 12/568,410	:	DECISION ON PETITION
Filed: September 28, 2009	:	TO WITHDRAW
Attorney Docket No. 2006579-1150 (CTX-374)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610**



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**HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219**

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of
McAloon et al.
Application No. 12/568,455
Filed: September 28, 2009
Attorney Docket No. SLT003

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 12, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on January 31, 2011 the power of attorney to Haynes and Boone, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: **ANDREWS & KURTH, L.L.P.
600 TRAVIS, SUITE 4200
HOUSTON TX 77002**



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P.O. Box 1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

JUL 05 2011

OFFICE OF PETITIONS

Applicant: Epple, et al.
Appl. No.: 12/568,483
Filing Date: September 28, 2009
Title: OPTICAL IMAGING DEVICE AND INAGING METHOD FOR MICROSCOPY
Attorney Docket No.: 23080-0019001/080696US-X
Pub. No.: US 2010/0188738 A1
Pub. Date: July 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 28, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error because claim 1 was printed in German and the certified translation submitted on February 26, 2010 presented claim 1 in English.

37 CFR 1.221 (b) is applicable: “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. **This period is not extendable.**” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requester with respect printing claim 1 in German is not a material Office error under 37 CFR 1.221. The error is due to the fact that applicant submitted an amendment to the German language specification and claims, wherein the amendment to the specification and instructions were in English and the amendment to the claims presenting a new claim listing with the instructions cancelling claims 2-43 were in English and claim 1 was presented in German.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

§ 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

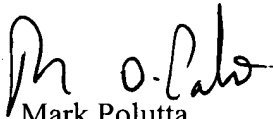
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', is positioned above the printed name.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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FEB 25 2011

Kilpatrick, Townsend & Stockton LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

In re Application of	:	DECISION ON THE PETITION
Barbara Elizabeth Patterson	:	REQUESTING WITHDRAWAL
Application No. 12/568,484	:	OF FINALITY
Filed: September 28, 2009	:	
For: SYSTEM AND METHOD FOR ACCOUNT	:	
LEVEL BLOCKING	:	

This is a decision on applicant's petition under 37 CFR 1.181, filed February 8, 2011, that requests withdrawal of the finality of the first Office action mailed January 10, 2011.

The petition is **GRANTED**.

A review of the file reveals that a Final rejection that rejected claims 1-20 under 35 USC 102(b) over Kemper et al was mailed August 3, 2010. An after-final response to the above-noted Office action was received on September 9, 2010. The amendment added the subject matter of claim 5 to claim 1, and cancelled claim 5 and claims 10-20. The examiner issued an Advisory action on September 21, 2010 that indicated that the amendment would not be entered due to the amendment raising new issues that would require further search and/or consideration. On December 30, 2010, the applicant filed an RCE that caused the previously unentered after-final amendment to be entered prior to the next Office action. The examiner then issued a first action final rejection on January 10, 2011. The instant petition was filed on February 8, 2011.

Applicant's petition argues that the finality of the Office action of January 10, 2011 is premature due to the fact that the examiner rejected a claim that was effectively unamended in the last amendment dated September 9, 2010. The applicant argues that claim 1 was amended to include the subject matter of claim 5, which was cancelled. So because claim 1 was essentially identical to the previous dependent claim 5, any change in the rejection of that claim would mandate a non-final Office action.

Applicant's arguments are well-taken. While the amendment of claim 1 to include the subject matter of cancelled claim 5 did materially alter the language of dependent claims 2-4, amended claim 1 was essentially identical to previous claim 5. Previous claim 5 was rejected under 35 USC 102 over Kemper et al. Amended claim 1 was rejected in the latest Office action only under 35 USC 103 over Ozment et al. in view of Ezaki et al. Contrary to the examiner's Office action this change in the rejection

was not necessitated by amendment. For this reason the finality of the rejection was premature.


In addition, MPEP 706.07(b) clearly indicates that "it would not be proper to make a final first Office action in...an RCE where that application contains material which was presented in the earlier application after final rejection...and was denied entry because new issues were raised that required further consideration and/or search." Because the amendment submitted after a final rejection on September 9, 2010 was denied entry in an Advisory Action on September 21, 2010 for raising new issues, the examiner is precluded from making the action subsequent to the RCE final. Doing so in the case was additionally improper.

It was also noticed in the Office action of January 10, 2011 that the examiner indicated that the Office actions mailed August 3, 2010 and September 21, 2010 were being vacated. The examiner further indicated that in view of the above vacating of the actions, the RCE was not required and authorized a refund of the fees associated with the RCE. The examiner has no authority to render the above decisions. Even if an Office action is later found to contain an improper rejection, the examiner is not authorized to vacate actions (reserved for actions that were mailed in error), as that right is reserved for the Director of the USPTO, and further delegated only to TC Directors. These actions were not mailed in error and should not have been vacated. Thus the decision to vacate the above Office actions is hereby reversed. The holding by the examiner that the RCE was not required is also incorrect. There was an outstanding Office action that had a 3 month SSP running from August 3, 2010, and the applicant had to take action before the expiration of the 6 month Statutory period to continue prosecution of this application. Because the RCE was necessary, the indication that applicant may get a refund of the associated fees is also in error. The examiner furthermore has no authorization to approve refunds. Refunds are authorized under decisions on petitions to the Director for refunds under 37 CFR 1.26.

The finality of the action mailed January 10, 2010, but not the action itself, is hereby withdrawn. The time period for response continues to run 3 months from the January 10, 2010 mail date of the now non-final Office action.

The petition to withdraw the finality of the January 10, 2011 Office action is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Quality Assurance Specialist, Steven Meyers at (571) 272-6611.


Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

Snm/snm: 2/17/11





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,530	09/28/2009	Takashi GOTO	002500-12	6578

7590 09/21/2010
Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2622

MAIL DATE DELIVERY MODE

09/21/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Tarmel

Patent Publication Branch
Office of Data Management

Rejection date: 09/21/2010
09/21/2010 10:00 AM
08/21/2010 10:00 AM
-342.10 0-



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,550	09/28/2009	Takashi GOTO	002500-13	6611
7590 09/21/2010 Studebaker & Brackett PC One Fountain Square 11911 Freedom Drive, Suite 750 Reston, VA 20190			EXAMINER YE, LIN	
			ART UNIT	PAPER NUMBER
			2622	
			MAIL DATE	DELIVERY MODE
			09/21/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

09/21/2010 12:00:00 PM 12/28/2009

09/21/2010 12:00:00 PM 09/21/2010

09/21/2010 12:00:00 PM

Adjustment date: 09/21/2010 AFAP/MS
09/29/2009 INTERA 00000004 1000000
02 00:11:11 -342.10 00



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,565	09/28/2009	Junko SHIMOHARADA	NGTOSH.081AUS	6641
7590 10/18/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BUTCHER, BRIAN M	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			10/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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**PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208**

**MAILED
JAN 06 2012
OFFICE OF PETITIONS**

In re Application of
Druzgalski et al.
Application No. 12/568,595
Filed: September 28, 2009
Attorney Docket No. 1001U001

:
:
:
**DECISION ON PETITION
TO WITHDRAW FROM RECORD**
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on December 22, 2011 the power of attorney to Perkins Coie LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571- 272- 7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Charles A. Rattner
30 School Street
Burlington CT 06013-2569



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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Robert D. Wieting :
Application No. 12/568,641 :
Filed: September 28, 2009 :
Attorney Docket No. **90613-801581** :
(004310US)

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 19, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on September 28, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



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SAN FRANCISCO, CA 94111-3834

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert D. Wieting	:	
Application No. 12/568,644	:	DECISION ON PETITION
Filed: September 28, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 90613-775373 (004410US)	:	

This is a decision on the petition, filed May 19, 2011 under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on September 28, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center AU 2895 for further processing.

A handwritten signature in black ink, appearing to read "Irvin Dingle", is positioned above the printed name.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/568,644	09/28/2009	Robert D. Wieting	90613-775373 (004410US)

CONFIRMATION NO. 6816

NONPUBLICATION RESCISSION LETTER



20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 06/17/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/22/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 026335-005410US Application Number (if known): 12/568,654 Filing date: September 28, 2009

First Named Inventor: Robert D. Wieting

Title: SYSTEM AND METHOD FOR TRANSFERRING SUBSTRATES IN LARGE SCALE PROCESSING

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: See attached Petition

Signature /Richard T. Ogawa/

Date 09/16/2010

Name (Print/Typed): Richard T. Ogawa

Registration Number 37,692

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I hereby certify that this correspondence
is being filed Via EFS-Web with the
USPTO on September 16, 2010.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert D. Wieting

Application No.: 12/568,654

Filed: September 28, 2009

For: SYSTEM AND METHOD FOR
TRANSFERRING SUBSTRATES IN LARGE
SCALE PROCESSING OF CIGS AND/OR CIS
DEVICES

Customer No.: 20350

Attorney Docket No.: 026335-005410US

Confirmation No. 6830

Examiner:

Technology Center/Art Unit:

Petition to Make Special Under The Green
Technology Pilot Program

Date: September 16, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application, after submission of a preliminary amendment together with this petition, contains no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition:

Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee \$300 set forth in CFR 1.18(d) accompanies this request.

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources. The claimed invention relates to an improved process for the manufacture of thin-film CIGS photovoltaic solar energy collector for electric power generation.

By filing this petition: applicant hereby agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,654	09/28/2009	Robert D. Wieting	026335-005410US	6830
20350 7590 10/14/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER GURLEY, LYNNE ANN	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 10/14/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application, or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Robert D. WIETING	:	DECISION ON PETITION
Application No. 12/568,654	:	TO MAKE SPECIAL UNDER
Filed: September 28, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-005410US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

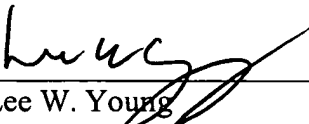
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as materially contributing the development of renewable energy resources. Specifically, the petition indicates that the present invention relates to photovoltaic solar energy collection. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to the development of renewable resources. The claims are directed a semiconductor device and a method manufacturing a semiconductor film. The claims do not specifically recite photovoltaic energy collection. Any argument that the claimed invention can be used to with photovoltaic solar energy collection is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,654	09/28/2009	Robert D. Wieting	026335-005410US	6830
20350 7590 10/14/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER GURLEY, LYNNE ANN	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 10/14/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Robert D. WIETING	:	DECISION ON PETITION
Application No. 12/568,654	:	TO MAKE SPECIAL UNDER
Filed: September 28, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-005410US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

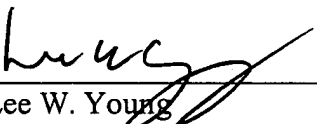
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as materially contributing the development of renewable energy resources. Specifically, the petition indicates that the present invention relates to photovoltaic solar energy collection. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to the development of renewable resources. The claims are directed a semiconductor device and a method manufacturing a semiconductor film. The claims do not specifically recite photovoltaic energy collection. Any argument that the claimed invention can be used to with photovoltaic solar energy collection is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of
Robert D. Wieting
Application No. 12/568,656
Filed: September 28, 2009
Attorney Docket No.: 90613-775374
(004510US)

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 19, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on September 28, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 15, 2011 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 2895.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

| ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/568,656	09/28/2009	Robert D. Wieting	90613-775374 (004510US)

CONFIRMATION NO. 6833

**NONPUBLICATION RESCISSION
LETTER**

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834



Date Mailed: 06/08/2011

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/S3/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 30020-236001 Application Number (if known): 12/568,742 Filing date: September 29, 2009

First Named Inventor: Gregory L. Snitchler

Title: GENERATOR WITH FERROMAGNETIC TEETH

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

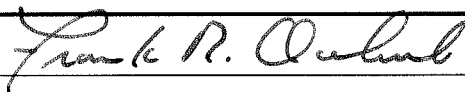
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Request for Reconsideration; Preliminary Amendment; Information Disclosure Statement

Signature



Date August 10, 2010

Name
(Print/Typed)

Frank R. Occhiuti

Registration Number 35,306

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gregory L. Snitchler et al. Art Unit : 2839
Serial No. : 12/568,742 Examiner : Not yet assigned
Filed : September 29, 2009 Conf. No. : 7004
Title : GENERATOR WITH FERROMAGNETIC TEETH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Applicant appreciates the opportunity to discuss this petition with Mr. Lee Young, Quality Assurance Specialist for TC 2800, on August 2, 2010. Consistent with that discussion, Applicant provides a preliminary amendment to include an independent claim that specifically recites a wind turbine.

Applicant submits that the application of the claimed subject matter in a wind turbine is neither speculative nor hypothetical.

The assignee of this application is the American Superconductor Corporation. Through its wholly owned subsidiary, Windtec, AMSC has grown to become a key player in the wind energy industry. Applicant encloses for the Examiner's consideration a print-out of AMSC's wind energy page on its web site at www.amsc.com.

In a recent address given in Seoul, President Obama referred to the assignee of this application as follows:

“For example, if we can increase our exports to Asia Pacific nations by just 5%, we can increase the number of American jobs supported by these exports by hundreds of thousands. This is already happening with businesses like American Superconductor Corporation, an energy technology startup based in Massachusetts that's been providing wind power and smart grid systems to countries like China, Korea, and India. By doing so, it's added more than 100 jobs over the last few years.”

Applicant(s) : Gregory L. Snitchler et al.
Serial No. : 12/568,742
Filed : September 29, 2009
Page : 2 of 5

Attorney Docket No.: 30020-236001
Client Ref. No.: AMSC-890US1

The end user in this case is by no means “hypothetical.” Thus, there is no question that the assignee is heavily invested in wind energy. The only remaining question is whether or not the specific subject matter of this application provides a material contribution to wind energy.

To understand why this subject matter materially contributes to the development of wind energy, it is useful to consider two strands of technology and note how they come together in the context of wind turbines.

Geared and direct-drive wind turbines

The first strand of technology involves the operating frequency of a wind turbine, i.e. what frequency is the AC waveform the wind turbine actually generates.

There are generally two kinds of wind turbine: geared turbines and direct-drive turbines. Geared turbines have high operating frequencies, whereas direct-drive turbines have low operating frequencies.

In a geared turbine, the operating frequency is close to line frequency, around 60 Hz. Since the blades themselves do not spin at anywhere near 60 Hz, one typically connects the main shaft to a gearbox to raise the operating frequency. A gearbox, however, is quite complex and prone to failure. For off-shore wind turbines supported hundreds of feet above the sea, gearbox failures are expensive. Moreover, depending on the location, there may be extended periods during which it is not possible to access off-shore sites.

To avoid the reliability problems that arise with gearboxes, one can use a “direct-drive” wind turbine. In a direct-drive wind turbine, there is no gearbox. A byproduct of not having a gearbox is that the operating frequency is much lower, on the order of 0.2 Hz. To raise this to line frequency, one uses an electrical device called a “full converter”.

Magnetic flux losses in wind turbines

The second strand of technology involves losses due to magnetic flux in the stator of a wind turbine.

In the stator of a wind turbine, the windings are nestled between teeth. These windings carry a time-varying current, which in turn generates a time-varying magnetic field. To the extent the teeth are conductive, these time-varying magnetic fields will induce current on the teeth.

In conventional machines, it is useful to make the teeth out of a high μ material to provide a high-density flux path. A good inexpensive choice of material, at least for non-superconducting windings, is iron. However, iron is a conductor. As a result current will be induced in the iron. Because iron is a poor conductor, these eddy currents cause heating. In a non-superconducting machine, one simply tolerates this heat.

More sophisticated solutions are known to reduce these eddy currents. For example, it is known to use stainless steel laminated teeth, or composite teeth in conjunction with Litz wire. But these solutions are expensive.

Applicant's contribution to wind turbine technology

The inventors have recognized that in direct-drive wind turbines, the lower operating frequency would mean that the losses in the teeth would also be lower. The inventors took advantage of this observation by reconsidering the conventional wisdom that a superconducting wind turbine would need expensive composite teeth to reduce magnetic losses. The inventors then found that by arranging the teeth in a particular way, one could reduce the losses in a superconducting wind turbine to the point where ferromagnetic materials could once again be used in the stator.

As a result of the inventors' contribution to the wind energy arts, it is now possible to have a direct-drive wind turbine, or for that matter any wind-turbine with a low enough operating frequency, that enjoys the advantages of superconducting windings but for a much lower cost.

Discussion of wind energy in specification

The background section opens with a discussion of how a wind turbine uses rotating electrical machines to convert wind energy into usable power.

Applicant(s) : Gregory L. Snitchler et al.
Serial No. : 12/568,742
Filed : September 29, 2009
Page : 4 of 5

Attorney Docket No.: 30020-236001
Client Ref. No.: AMSC-890JS1

The summary of the invention, at paragraph 9, makes the point that the machine recited in the claim is particularly suited for wind turbines, especially direct-drive wind turbines, because of the low operating frequency. The summary makes the point that there is a synergistic effect between the low frequency output of a direct-drive wind turbine and the lower losses inherent in such a turbine that allows the use of inexpensive ferromagnetic material even when the generator is a superconducting machine.

The detailed description opens with a discussion of the generator in FIG. 1 being used in a wind turbine. Paragraph 48-50 refer again to operation at low frequencies consistent with the frequencies found in direct-drive wind turbines.

As noted in paragraph 57, conventional structures are not described or recited in the claims. It is for this reason that neither the specification nor the claims go into great detail on the remaining portions of a wind harvesting device, such as the tower, the blades, the cabling, and the nacelle, since a discussion of those features is not needed to understand the subject matter of the invention. However, it is apparent that the claimed invention has significant applications in the harvesting of wind power.

Claims 1-15 recite, in their preambles, a stator assembly “for use in a rotating electrical machine.” Claims 16 and progeny recite the entire rotating electrical machine. As indicated by the background section, the rotating electrical machine accounts for a large fraction of the cost of a wind turbine.

Applicant has submitted a new independent claim drawn specifically to a wind turbine.

In view of the foregoing, Applicant requests reconsideration and grant of the petition for accelerated examination pursuant to the green technology pilot program.

As the required \$300 fee was enclosed with the filing of the original petition on July 6, 2010, no fee is believed to be due with the filing of this Request for

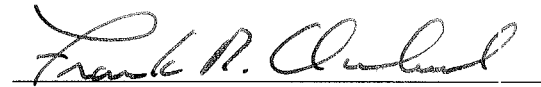
Applicant(s) : Gregory L. Snitchler et al.
Serial No. : 12/568,742
Filed : September 29, 2009
Page : 5 of 5

Attorney Docket No.: 30020-236001
Client Ref. No.: AMSC-890JS1

Reconsideration. However, to the extent necessary, please apply any charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 30020-236001.

Respectfully submitted,

Date: August 10, 2010



Frank R. Occhiuti
Reg. No. 35,306

Customer No. 80841
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2501
Facsimile: (617) 500-2499



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,742	09/29/2009	Gregory L. Snitchler	30020-236001	7004
80841	7590	08/26/2010		
Occhiuti Rohlicek & Tsao LLP 10 Fawcett Street Cambridge, MA 02138			EXAMINER LE, DANG D	
			ART UNIT 2834	PAPER NUMBER
			NOTIFICATION DATE 08/26/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@ORTPATENT.COM



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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
SNITCHLER et al.	:	DECISION ON PETITION
Application No. 12/568,742	:	TO MAKE SPECIAL UNDER
Filed: 29 September 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-236001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 06 July 2010 and renewed on 10 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

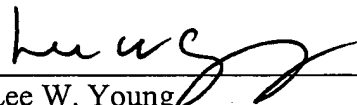
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2834 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
SUITE 200
PRINCETON NJ 08540

MAILED

MAR 23 2012

OFFICE OF PETITIONS

In re Application of
Junqiang Hu et al.
Application No. 12/568,767
Filed: September 29, 2009
Attorney Docket Number: 08004

ON PETITION

This is a decision on the petition, filed March 5, 2012 under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **GRANTED**.

While the issue fee was paid January 27, 2012, this application became abandoned February 15, 2012 for failure to file corrected drawings in response to the Notice of Allowability mailed on November 14, 2011. Accordingly, the Notice of Abandonment was mailed on February 27, 2012.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,807	09/29/2009	Yaodong Liu	21670/0212972-US0	7111
7590 09/08/2010 FutureWei Technologies, Inc. IPR & Standards Department 1700 Alma Drive, Suite 500 Plano, TX 75075			EXAMINER KUNTZ, CURTIS A	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			09/08/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Applicant data: 09/08/2010 12:00:00
09/08/2010 12:00:00 12/568,807 7111
02 FC:111 240000 CR
02 FC:111 240000 CR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/27/11

TO SPE OF : ART UNIT 3741

SUBJECT : Request for Certificate of Correction for Appl. No.: 12568808 Patent No.: 7882825

CofC mailroom date: 09/20/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

~~You can fax the Director's SPE response to 571-272-3421~~

Note: Should the change in claim 14 be approved? *yes*

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Art Unit



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Decision Date : April 20,2011

In re Application of :

Jaime Vargas

Application No : 12568899

Filed : 29-Sep-2009

Attorney Docket No : VARG-001NN

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 20,2011

The request is **APPROVED**.

The request was signed by Jacqueline S. Larson (registration no. 30279) on behalf of all attorneys/agents associated with Customer Number 23979 . All attorneys/agents associated with Customer Number 23979 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Jaime Vargas
Name2
Address 1 751 Upland Road
Address 2
City Redwood City
State CA
Postal Code 94062
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12568899	
Filing Date	29-Sep-2009	
First Named Inventor	Jaime Vargas	
Art Unit	3761	
Examiner Name	ADAM MARCETICH	
Attorney Docket Number	VARG-001NN	
Title	Intragastric Implant Devices	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23979		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Jaime Vargas	
Address	751 Upland Road	
City	Redwood City	
State	CA	
Postal Code	94062	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/jacqueline larson/
Name	Jacqueline S. Larson
Registration Number	30279



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,919	09/29/2009	Yasuhiro Kojima	348462US26	7319

22850	7590	05/19/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.		
1940 DUKE STREET		
ALEXANDRIA, VA 22314		

EXAMINER	
SMITH, ERIN W	

ART UNIT	PAPER NUMBER
3632	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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MAY 18 2011

Oblon, Spivak, McClelland Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, VA 22314

In re Application of: :
Yasuhoro Kojima et al. : **DECISION ON PETITION**
Application No. 12/568,919 : **UNDER 37 CFR 1.181**
Filed: September 29, 2009 :
For: VEHICLE SEAT SLIDING APPARATUS :

This is in response to the petition filed on December 16, 2010 under 37 CFR 1.181(a)(3) requesting the examiner to consider the prior art cited in the Information Disclosure Statement filed on September 29, 2009.

The petition is **GRANTED**.

A review of the record shows that applicants filed an Information Disclosure Statement (IDS) on September 29, 2009. The examiner refused to consider Japanese foreign documents AP and AQ on the PTO-1449 mailed with the Office Action dated July 9, 2010 on the grounds that English translations of the documents were not provided.

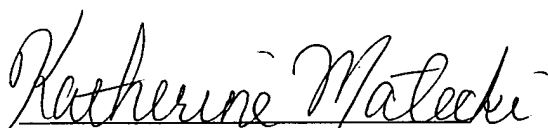
Petitioner requests the Commissioner to invoke his supervisory authority to compel the examiner to consider the Japanese documents AP and AQ cited in the IDS dated September 29, 2009. Applicants furthermore state that the IDS is in compliance with 37 C.F.R. 1.97-1.98 since it was timely submitted with a showing of relevancy comprising copies of documents AP and AQ with English abstracts filed on September 29, 2009, which placed the IDS in compliance with requirements as specified in MPEP 609, 37 C.F.R. 1.98 (a)(3)(i) and (ii).

MPEP 609, 37 C.F.R. 1.98 (a)(3)(i) and (ii) states,

- (i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.
- (ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

The September 29, 2009 IDS is a proper IDS submission as it is in compliance with 37 C.F.R. 1.97-1.97. Accordingly the application will be returned to the examiner for consideration of documents AP and AQ cited in the IDS filed September 29, 2009.

Telephone inquiries should be directed to Terrell Mckinnon, Supervisory Patent Examiner, Art Unit 3632, at (571) 272-4797.



Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250
K

/TM/ 05/02/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/568,953	09/29/2009	Hung-Lin SHIH	07147UMC-US	7375
84937	7590	02/29/2012		
LanWay IPR Services P.O. Box 220746 Chantilly, VA 20153			EXAMINER YUSHINA, GALINA G	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 02/29/2012	DELIVERY MODE PAPER

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LanWay IPR Services
P.O. Box 220746
Chantilly, VA 20153

<i>In re</i> Application Hung-Lin Shin et al.	:	
Appl. No.: 12/568,953	:	
Filed: September 29, 2009	:	DECISION ON PETITION
Attorney Docket No.: 07147UMC-US	:	UNDER 37 C.F.R. §1.59
For: NON-VOLATILE MEMORY CELL	:	
AND STRUCTURE OF NON-VOLATILE	:	
MEMORY DEVICE	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed December 2, 2011, to expunge the trade secret material submitted in an Information Disclosure Statement (IDS) filed December 2, 2011.


The petition is DISMISSED.

Petitioner asserts that the material submitted in the IDS filed December 2, 2011 is considered to be a trade secret material that has not been made public.

The information in question was **not** submitted as trade secret information in a clearly labeled and sealed envelope in accordance with M.P.E.P. §724.02. As such, the information was scanned in the image file wrapper (IFW) of the instant application and has been considered by the examiner. Furthermore, the petition fails not state that information has not been made public and does not make a commitment to retain the information for the period of any patent issued from the above-identified application. Unless the petition is properly supplemented and the issues raised above adequately addressed, the petition would very likely be denied after completion of the prosecution.

The final decision on the petition will be held in abeyance until allowance of the application or mailing of an Ex parte Quayle action or a Notice of Abandonment, at which time the petition will be finally decided.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



Jack Harvey, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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O2MICRO INC
C/O MURABITO,
HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Chen, et al.	:	DECISION ON PETITION
Application No. 12/568,954	:	
Filed: 29 September, 2009	:	
Attorney Docket No. O2-0500	:	

This is a decision on the petition filed on 25 August, 2010, pursuant to 37 C.F.R. §1.47

NOTE: Petitioner submits repeated attempts to mail materials to an address stated as that of the non-signing inventor. The Office construes this statement as Petitioner's assertion that he has independently inquired to make a determination that this is indeed a reasonably believed to be valid/current/last known address for the non-signing inventor. If Petitioner has failed to do so, he **must** do so now. Should the results of such independent inquiry suggest a contrary conclusion, Petitioner **must** immediately so Notice the Office.¹

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/568,954

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record reflects as follows:

The application was deposited on 29 September, 2009, without, *inter alia*, a fully executed oath/declaration

The Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration 15 October, 2009.

On 14 January, 2010, Petitioner James Hao (Reg. No. 36,398) submitted, *inter alia*, a petition with insufficient fee and no apparent authorization for the deficiency to be charged, thus no fee was paid; a statement by Yue Li (Reg. No. L0346), who failed to include her registration number with her signature on the statement; an oath/declaration executed by co-inventor Chen for herself and on behalf of non-signing inventor Mark Wong (Mr. Wong); a statement as to an address for Mr. Wong but in light of the courier's return of the parcel to the sender there was no clear evidence of the address presented as being in fact a valid/current/reasonably believed to be last known address for Mr. Wong; averment and evidence of transmission of the entire application (description, claims, abstract, drawings) by a person whose first person statement is not included with the petition. The many questions—along with the lack of clarity as to matters stated by Petitioner and Yue Li—suggested by the papers and outlined above and the absence of the petition fee offered substantial initial barriers to the addressing of this matter, and the petition was dismissed on 22 March, 2010.

On 21 May, 2010, Petitioner re-advanced his petition—and paid the fee with the submission. However, in contrast to the earlier petition, Petitioner appeared to present a conflicting statement by Yue Li (averred Patent Agent (Reg. No. L0346) of the averred assignee O2Micro Inc.) from that previously submitted, to wit: the repetition of clear evidence no less than six times at paragraphs 7, 9, 14, 15, 16 and 17 of Yue Li's statement that only "the Declaration and Power of Attorney form as well as an Assignment form" were sent to the non-signing inventor. Thus, with the 21 May, 2010, petition Petitioner clearly evidenced that the entire application (description, claims, abstract and drawings) was not sent to Mr. Wong as required by statute, rule and the guidance in the Commentary in the MPEP. (See, generally: MPEP §409.03, and §409.03(a).) The petition was dismissed on 25 June, 2010.

On 25 August, 2010, Petitioner re-advanced his petition, stating repeated efforts to mail (*via* return receipt) the entire application (description, claims, abstract and drawing(s)) to the non-signing inventor and the failure of the non-signing inventor to claim the mailings and/or to respond and sign/join in oath/declaration. and so his constructive refusal to join—thus, Petitioner made a showing that: the entire application (description, claims, abstract, drawings) was sent to

Application No. 12/568,954

the non-signing inventor and that the non-signing inventor constructively refused to sign the oath/declaration; and a statement of the last known address of the non-signing inventor with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively refused to sign.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

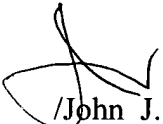
As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/568,954

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2³) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

³ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK WONG
4601 KORBEL ST.
UNION CITY, CA 94587

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Chen, et al. :
Application No. 12/568,954 : COMMUNICATION
Filed: 29 September, 2009 :
Attorney Docket No. O2-0500 :

Dear Mark Wong:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

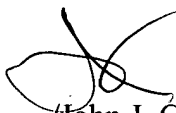
Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/568,954

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
O2MICRO INC
C/O MURABITO,
HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt



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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

MAR 29 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
TOMITA, HIROKI	:	DECISION ON REQUEST TO
Application No. 12/569,010	:	PARTICIPATE IN PATENT
Filed: September 29, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 09593/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 16, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed

September 8, 2010

Patent No. : 7759030
Inventor : Abe et al.
Patent Issued : July 20, 2010
Title : P-TERPHENYL COMPOUND AND PHOTSENSITIVE BODY FOR
ELECTROPHOTOGRAPHY USING SUCH COMPOUND

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

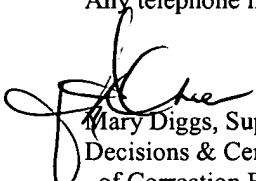
As a result of applicants failure to fully comply with 35 U.S.C. 119 in that conditional requirements were not met concerning the inclusion of Foreign Application Priority Data; approval is herewith unwarranted unless a petition is granted. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i). Any petition should be directed to the attention of the Assistant Commissioner for patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box 1450
Alexandria, VA 22313-1450

By Fax: (703) 308-6916
Attn.: Office of Petitions

EFS web uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Technical Support 1-866-217-9197

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541


Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Stefan U. Koschmieder, Ph.D.
Oblon, Spivak, McClelland
Maier & Neustadt, L.L.P.
Norman F. Oblon

/arg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : 03-24-11

TO SPE OF : ART UNIT 1721

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/569012 Patent No.: 7759030

CofC mailroom date: 02-22-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:


Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanner using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580


Angela Green
Certificates of Correction Branch
(703) 756-1541

Thank You For Your Assistance**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**Specify below which changes **do not** apply.☐ **Denied**

State the reasons for denial below.

Comments: _____



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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of :
Larry Byars et al. :
Application No. 12/569,051 :
Filed: September 29, 2009 :
Attorney Docket No.: 2008P 19052US01 :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 26, 2012, to change the order of the names of the inventors.

The petition is **GRANTED**.

The instant petition refers to the Application Data Sheet filed September 29, 2009, with the application, that correctly identifies the order of inventors.

The order of the names of the inventors has been changed as follows:

- 1) Charles C. Watson
- 2) Larry Byars
- 3) Christian J. Michel
- 4) Harold Rothfuss

A corrected filing receipt reflecting the correct order of the names of the inventors is attached.

This matter is being referred to Technology Center 2884 for further examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/569,051	09/29/2009	2884	1272	2008P19052US01	21	2

CONFIRMATION NO. 7570

CORRECTED FILING RECEIPT



OC000000052468949

28524
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Date Mailed: 02/08/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Charles C. Watson, Knoxville, TN;
Larry Byars, Knoxville, TN;
Christian J. Michel, Lenoir City, TN;
Harold Rothfuss, Knoxville, TN;

Assignment For Published Patent Application

Siemens Medical Solutions USA, Inc., Malvern, PA

Power of Attorney: The patent practitioners associated with Customer Number 28524

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/100,921 09/29/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/29/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/569,051**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD FOR SCATTER NORMALIZATION OF PET IMAGES

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,239	09/29/2009	Yuri SAKAMOTO	MNL-2018-2394	7903
7590 10/27/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER HOANG, JOHNNY H	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			10/27/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,277	09/29/2009	Kenichiro Aoki	1924.87260	7980
7590 12/09/2010 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER NGUYEN, HOA T	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 12/09/2010	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer
Patent Publication Branch
Office of Data Management

REGISTRATION CASE, 42, 47, 2009, 12/09/2010
OFFICE OF DATA MANAGEMENT, 12/09/2010
12/09/2010 12/09/2010

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/569286	Filing date:	29 September 2009
First Named Inventor:	Qing Ye		

Title of the
Invention: POLYMER AND OPTOELECTRONIC DEVICE COMPRISING THE SAME

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCTUS10/44871

The international filing date of the corresponding
PCT application(s) is/are: 9 August 2010

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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JAN 10 2012

OFFICE OF PETITIONS

**GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA NY 12309**

**In re Application of
Qing Ye et al.
Application No.: 12/569,286
Filed: September 29, 2009
Attorney Docket No.: 235874-1
For: Polymer and Optoelectronic
Comprising the Same**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 29, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, SIPO, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fails to meet condition (5).

Regarding requirement (5), a non-final office action was mailed on November 18, 2011. As such the examination of this application has begun.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.


Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

JAN 31 2011

OFFICE OF PETITIONS

Applicant: Brun, et al.
Appl. No.: 12/569,287
Filing Date: September 29, 2009
Title: COSMETIC COMPOSITION COMPRISING AT LEAST ONE ORGANOSILICON
COMPOUND COMPRISING AT LEAST ONE BASIC FUNCTION, AT LEAST ONE
HYDROPHOBIC FILM-FORMING POLYMER, AT LEAST ONE PIGMENT AND AT
LEAST ONE VOLATILE SOLVENT
Attorney Docket No.: 06028.0188-00
Pub. No.: US 2010/0083446 A1
Pub. Date: April 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 8, 2010, for the above-identified application.

The patent issued on October 5, 2010.

The request is DISMISSED as moot.

Since the application has been issued as a patent, the request is deemed moot.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NELSON MULLINS RILEY & SCARBOROUGH LLP
FLOOR 30 SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

MAILED
DEC 22 2011
OFFICE OF PETITIONS

In re Application of :
Bender, et al. :
Application No. 12/569,289 : **ON PETITION**
Filed: September 29, 2009 :
Attorney Docket No. NMI-007 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 9, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply in response to the Office action mailed March 30, 2011. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on May 1, 2011. The Office mailed a Notice of Abandonment on November 22, 2011.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

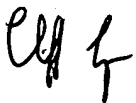
Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1345 extension of time fee submitted with the petition on December 9, 2011 was subsequent to the maximum period obtainable for reply (September 30, 2011), this fee has been refunded to petitioner.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Group Art Unit 1642 for consideration of the Amendment, filed December 9, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

cc: Lathrop & Gage LLP
28 State Street
Boston MA 02109

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 026335-004810US Application Number (if known): 12/569,356 Filing date: September 29, 2009

First Named Inventor: Robert D. Wieting

Title: HUMIDITY CONTROL AND METHOD FOR THIN FILM PHOTOVOLTAIC MATERIALS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: See attached Petition

Signature /Richard T. Ogawa/

Date 09/16/2010

Name (Print/Typed): Richard T. Ogawa

Registration Number 37,692

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I hereby certify that this correspondence
is being filed Via EFS-Web with the
USPTO on September 16, 2010.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert D. Wieting

Application No.: 12/569,356

Filed: September 29, 2009

For: HUMIDITY CONTROL AND METHOD
FOR THIN FILM PHOTOVOLTAIC
MATERIALS

Customer No.: 20350

Attorney Docket No.: 026335-004810US

Confirmation No. 8140

Examiner:

Technology Center/Art Unit:

Petition to Make Special Under The Green
Technology Pilot Program

Date: September 16, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application, after submission of a preliminary amendment together with this petition, contains no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition:

Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee \$300 set forth in CFR 1.18(d) accompanies this request.

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources. The claimed invention relates to an improved process for the manufacture of thin-film CIGS photovoltaic solar energy collector for electric power generation with enhanced efficiency.

By filing this petition: applicant hereby agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,356	09/29/2009	ROBERT D. WIETING	026335-004810US	8140
20350 7590 09/29/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER	
			ART UNIT	PAPER NUMBER
			2812	
			MAIL DATE	DELIVERY MODE
			09/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Robert D. WIETING	:	DECISION ON PETITION
Application No. 12/569,356	:	TO MAKE SPECIAL UNDER
Filed: September 29, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-004810US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

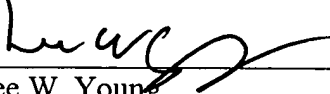
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 026335-004010US Application Number (if known): 12/569,368 Filing date: September 29, 2009

First Named Inventor: Robert D. Wieting

Title: THERMAL PRE-TREATMENT PROCESS FOR SODA LIME GLASS SUBSTRATE FOR THIN FILM PHOTOVOLTAIC MATERIALS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: see attached Petition

Signature /Richard T. Ogawa/

Date 09/16/2010

Name (Print/Typed): Richard T. Ogawa

Registration Number 37,692

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I hereby certify that this correspondence
is being filed Via EFS-Web with the
USPTO on September 16, 2010.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert D. Wieting

Application No.: 12/569,368

Filed: September 29, 2009

For: THERMAL PRE-TREATMENT PROCESS
FOR SODA LIME GLASS SUBSTRATE FOR
THIN FILM PHOTOVOLTAIC MATERIALS

Customer No.: 20350

Attorney Docket No.: 026335-004010US

Confirmation No. 8164

Examiner:

Technology Center/Art Unit:

Petition to Make Special Under The Green
Technology Pilot Program

Date: September 16, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application, after the preliminary amendment submitted together with this petition, contains no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition:

Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee \$300 set forth in CFR 1.18(d) accompanies this request.

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources. The claimed invention relates to an improved process for the manufacture of thin-film photovoltaic solar energy collector for electric power generation.

By filing this petition: applicant hereby agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,368	09/29/2009	ROBERT D. WIETING	026335-004010US	8164

20350 7590 09/29/2010
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
09/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Robert D. WIETING	:	DECISION ON PETITION
Application No. 12/569,368	:	TO MAKE SPECIAL UNDER
Filed: September 29, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 026335-004010US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

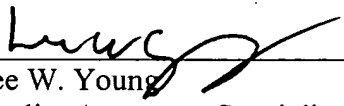
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 29, 2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
Reiko Kuroki	:	DECISION ON PETITION
Application No. 12569383	:	
Filed: 9/29/2009	:	<i>ACCEPTANCE OF COLOR</i>
Attorney Docket No. Q115185	:	<i>DRAWINGS</i>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 20, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,473	09/29/2009	Hiroshi Minami	1924.87264	8354
7590 09/08/2010 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER NGUYEN, HOA T	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			09/08/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management

Adjustment Date: 09/08/2010 RESEMER
09/08/2010 INTERFER 80000710 072005 12289473
JL 100011 040132 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

SEP 29 2011

OFFICE OF PETITIONS

**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

In re Application of :
Robert D. WIETING : ON PETITION
Application No. 12/569,490 :
Filed: September 29, 2009 :
Atty. Docket No.: 90613-774129 (004710US)

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 12, 2010 (outstanding Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned November 13, 2010. A Notice of Abandonment was mailed March 3, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action mailed August 12, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as being unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 2894 for consideration of the filed Response.


for Anthony Knight
Director
Office of Petitions

cc: Robert C. Colwell
Kilpatrick Townsend & Stockton, LLP
1080 Marsh Road, Menlo Park, CA 94025



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,501	09/29/2009	Yoshiyuki Kudo	1924.87172	8397

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
06/01/2011	PAPER

7590 06/01/2011
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

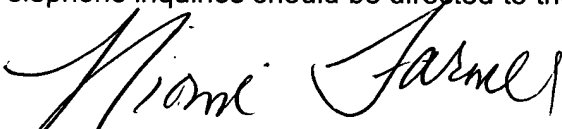
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,532	09/29/2009	Katsushi Ohta	1924.87173	8450

7590 10/07/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
TSAI, HENRY	

ART UNIT	PAPER NUMBER
2184	

MAIL DATE	DELIVERY MODE
10/07/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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INDEXED
FILED
OCT 14 2010
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,538	09/29/2009	Motomichi Shibano	1924.87263	8464
7590 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER YOUNG, WAYNE R	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/07/2010	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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COMMUNICATIONS SECTION



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www.uspto.gov

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JUL 06 2011

OFFICE OF PETITIONS

**3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427**

Patent No. 7,956,116	:	
Issue Date: June 7, 2011	:	
Application No. 12/569,562	:	ON PETITION
Filed: September 29, 2009	:	
Attorney Docket No. 60152US006	:	

This is a decision on the petition filed June 21, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

A request for a certificate of correction requires a fee of \$100. This fee will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,626	09/29/2009	Hiroshi Suzuki	1924.87180	8612
7590 09/09/2010 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER NGUYEN, HOA T	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			09/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VIRGINIA 22313-1450
TEL: (571) 272-4200
WWW.USPTO.GOV

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: CL4278USNA

Application Number
(if known): 12/569,636

Filing date: September 29, 2009

First Named
Inventor: Dennis FLINT

Title: Identification and Use of Bacterial [2Fe-2S] Dihydroxy-Acid Dehydratases

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature

Christine M. Lhulier

Date

11/15/2011

Name

(Print/Typed)

Christine M. Lhulier

Registration Number

54,269

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FLINT *et al.*

Appl. No.: 12/569,636

Filed: September 29, 2009

For: **Identification and Use of Bacterial
[2Fe-2S] Dihydroxy-Acid
Dehydratases**

Confirmation No.: 8627

Art Unit: 1652

Examiner: Ramirez, Delia M.

Atty. Docket: CL4278USNA

**Petition to Make Special,
Statement of Special Status and Request to Participate in
the Green Technology Pilot Program**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is the completed USPTO form PTO/SB/420 and a Petition to Make Special pursuant to the Federal Register Notice of December 8, 2009, vol. 74, No. 234, pages 64666-64668, to participate in the Green Technology Pilot Program as described in said Notice.

The above-referenced application has been published (U.S. Patent Application Publication No. US 2010/0081154 A1). In accordance with the requirements for the Pilot Program, the publication fee set forth in 37 C.F.R. § 1.18(d) accompanies this request.

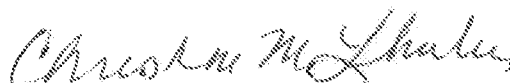
Applicants submit that the application is directed to a single invention that relates to the development of renewable components for fuel blends, and as such, the claimed invention materially contributes to the discovery or development of renewable energy

resources, enhances the quality of the environment and results in a more efficient utilization and conservation of energy resources.

If participation in the Green Technology Pilot Program is granted, and the Office determines that the claims are directed to multiple inventions, Applicants hereby agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements of the Green Technology Pilot Program.

Filed concurrently with this petition is a Preliminary Amendment in compliance with 37 C.F.R. § 1.121. Upon entry of the amendment, the application will contain no more than three independent claims and twenty total claims and will not contain any multiple dependent claims.

Respectfully submitted,



CHRISTINE M. LHULIER
ATTORNEY/AGENT FOR
APPLICANTS

Registration No. 54,269

Telephone: (302) 695-2739

Facsimile: (302) 355-3982

Date: 11/15/2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,636	09/29/2009	DENNIS FLINT	CL4278USNA	8627

EXAMINER
RAMIREZ, DELIA M

ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
11/23/2011	ELECTRONIC

23906 7590 11/23/2011
E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 23 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of

FLINT, Dennis <i>et al.</i>
Application No. 12/569636
Filed: September 29, 2011
Attorney Docket No. CL4278USNA

:
:
:
:
:
DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 15, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1652 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600



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GLENN PATENT GROUP - AUSTIN IBM IP LAW DEPT.
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

MAILED

FEB 29 2012

OFFICE OF PETITIONS

In re Application of	:	
Hindawi et al.	:	
Application No. 12/569,640	:	DECISION DISMISSING PETITIONS
Filed: 09/29/2009	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. UNIV0006C	:	

This is a decision on the petition filed under 37 CFR 1.78(a)(3) on February 10, 2012, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently-filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. §§ 120 and 119(e), after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. §§ 120 or 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Further, where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. See Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP 201.06(d).

In this regard, a review of Office records indicates that Application No. 09/272,937 was filed on March 19, 1999 and issued as U.S. Patent No. 6,256,664 July 3, 2001, *prior* to the filing date of provisional Application Nos. 60/358,996, filed on February 21, 2002, and 60/338,427, filed on November 9, 2001, both of which were after March 19, 1999. An application may only claim benefit under 35 U.S.C. § 120 and 119(e) and 37 CFR 1.78(a)(3) and (a)(6) to a *prior-filed* application. There is no provision in the patent law or rules to claim benefit to a later-filed application. As such, the amendment as drafted is not acceptable. Petitioners should review the claims of benefit to ensure they are correctly drafted.

Furthermore, it is unclear from the amendment as drafted whether it is Application No. 12/569,640 or Application No. 10/495,109, which is intended to be a continuation-in-part of Application No. 09/521,805, and a division of Application No. 09/272,937. In this regard Application No. 09/272,937 filed on March 19, 1999, issued as U.S. Patent No. 6,256,996, on July 3, 2001, prior to the filing date of Application 12/569,640, which was filed on September 29, 2009. In this regard, Application No. 09/521,805, filed on March 9, 2000, issued as U.S. Patent No. 7,277,919 on October 2, 2007, prior to the filing date of Application No. 12/569,640. As such, there is a lack of copendency between Application Nos. 09/521,805 and 12/569,640, and between Application Nos. 09/272,937 and 12/569,640. Furthermore, since Application Nos. 09/272,937 and 09/521,805 have issued as U.S. Patent Nos. 6,256,996 and 7,277,919, respectively, those applications are no longer pending and cannot be revived. Again, petitioners should review the benefit claims to ensure that all of the relationships between the applications are properly recited.

Therefore, the petition must be **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

A reply may also be filed via the EFS-Web system of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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QUARLES & BRADY LLP
ONE SOUTH CHURCH AVENUE, SUITE 1700
TUCSON AZ 85701-1621

MAILED

FEB 14 2011

In re Application of
Valerie Salation et al.
Application No. 12/569,647
Filed: September 29, 2009
Attorney Docket No. 117951.00007

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 5, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Gavin J. Milczarek-Desai on behalf of all attorneys of record who are associated with Customer Number 34282.

All attorneys/agents associated with Customer Number 34282 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed to first named inventor Valerie Salatino/Nancy Moran all future correspondence will be directed to the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Valerie Salatino/Nancy Moran
Nature Works, Inc.,
1991 Don Lee Place, Suite K
Escondido, CA 92029



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,676	09/29/2009	Hidekazu Yamazaki	Q115291	8704

7590 03/02/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
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1715.

NOTIFICATION DATE	DELIVERY MODE
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03/02/2011

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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United States Patent and Trademark Office
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Black, Lowe, Graham
701 5th Ave., Suite 4800
Seattle WA 98104

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
William E. Luce	:	
Application No. 12/569,699	:	DECISION ON PETITION
Filed: September 29, 2009	:	TO WITHDRAW
Attorney Docket No. GORI-1-1015	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,731	09/29/2009	Katsuhiko Takeuchi	1924.87150	8813

EXAMINER	
HASSAN, AURANGZEB	

ART UNIT	PAPER NUMBER
2182	

MAIL DATE	DELIVERY MODE
03/09/2011	PAPER

7590 03/09/2011
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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Decision Date : January 25, 2012

In re Application of :

Ronald Wyrick

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12569737

Filed : 29-Sep-2009

Attorney Docket No : WA39-070

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 25, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3767 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12569737	
Filing Date	29-Sep-2009	
First Named Inventor	Ronald Wyrick	
Art Unit	3767	
Examiner Name	LAURA SCHELL	
Attorney Docket Number	WA39-070	
Title	METHODS PERFORMED BY MEDICINE INJECTION APPARATUSES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Robert C. Hyta/
Name	Robert C. Hyta
Registration Number	46791



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,751	09/29/2009	Melvin Oris Holland	1458-025	8862
32905 7590 11/23/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/23/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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NOV 23 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Melvin Oris Holland
Serial No.: 12/569,751
Filed: September 29, 2009
Attorney Docket No.: 1458-025

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 7, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the material submitted to the Patent Office on November 7, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12569751	
Filing Date	29-Sep-2009	
First Named Inventor	Melvin Holland	
Art Unit	1638	
Examiner Name	EILEEN O HARA	
Attorney Docket Number	1458-025	
Title	LETTUCE CULTIVAR MANITOU	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		20872 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : February 9, 2012

In re Application of :

Melvin Holland

Application No : 12569751

Filed : 29-Sep-2009

Attorney Docket No : 1458-025

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,771	09/29/2009	Kazuyo UMEZAWA	SUTOSH.475AUS	8905
20995 7590 12/29/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			12/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcarter@kmob.com
efiling@kmob.com
eOAPilot@kmob.com



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
UMEZAWA, KAZUYO, et al.	:	DECISION ON REQUEST TO
Application No. 12/569,771	:	PARTICIPATE IN PATENT
Filed: September 29, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. SUTOSH.475AUS	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 24, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications;

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 20, 2012

In re Application of :

James Bennett

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12569773

Filed : 29-Sep-2009

Attorney Docket No : BP5275D1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 20, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2475 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12569773	
Filing Date	29-Sep-2009	
First Named Inventor	James Bennett	
Art Unit	2475	
Examiner Name	ROBERT WILSON	
Attorney Docket Number	BP5275D1	
Title	MULTIPLE NODE APPLICATIONS COOPERATIVELY MANAGING A PLURALITY OF PACKET SWITCHED NETWORK PATHWAYS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/William W. Kidd/
Name	William W. Kidd
Registration Number	31772



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SJM/AFD-WILEY
LEGAL DEPARTMENT
ONE ST JUDE MEDICAL DRIVE
ST PAUL MN 55117-9913

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of :
Nguyen, et al. :
Application No. 12/569,786 : DECISION REFUSING STATUS
Filed: September 29, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 0B- :
049102US/82410.0366 :

This is in response to the petition under 37 CFR 1.47(a), filed January 26, 2012 (which petitioner has shown was originally filed with the application papers on September 29, 2009).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b)". **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

Rule 47 applicant has not submitted the required petition fee of \$200. While the application papers submitted on September 29, 2009 included an authorization to charge any additional fees to a deposit account, the authorization was not signed by an authorized user. As such, no consideration of the petition will be made on the merits until such time as Rule 47 applicant submits the \$200 petition fee.

Application No. 12/569,786

Page 2

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEGAL DEPARTMENT
ONE ST JUDE MEDICAL DRIVE
ST PAUL MN 55117-9913

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of	:	
Nguyen, et al.	:	
Application No. 12/569,786	:	DECISION ACCORDING STATUS
Filed: September 29, 2009	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 0B-	:	
049102US/82410.0366	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 16, 2012.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Rule 47 applicant previously filed a petition under 37 CFR 1.47(a) on September 29, 2009. However, because petitioner did not submit the \$200 petition fee, the petition was dismissed without being considered on the merits in a decision mailed on February 6, 2012. With the instant renewed petition, petitioner has submitted the petition fee.

Petitioner has shown that inventor Nelson has refused to sign the declaration after having been presented with the application papers.

The petition and declaration have been reviewed and determined to be in compliance with 37 C.F.R. § 1.47(b).

The application is hereby accorded Rule 47 status.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at his last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHELDON NELSON
320 QUAKER LANE
PLYMOUTH MN 55441

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of
Nguyen, et al.
Application No. 12/569,786
Filed: September 29, 2009
Title: Deflectable Variable Radius
Catheters

:
:
:
:

LETTER

Dear Mr. Nelson:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of

KARPMAN, Alon

Application No. 12/569,795

Filed: September 29, 2009

Attorney Docket No. 142-004

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

The request is **NOT APPROVED**.


The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,812	09/29/2009	Melvin Oris Holland	1458-026	8985
32905 7590 11/16/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER O HARA, EILEEN B	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/16/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 16 2011

Commissioner for Patents
 United States Patent and Trademark Office
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 Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of: :
 Melvin O. Holland :
 Serial No.: 12/569,812 : PETITION DECISION
 Filed: September 29, 2009 :
 Attorney Docket No.: 1458-026 :

This is in response to the petition under 37 CFR § 1.59(b), filed November 4, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on November 4, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12569812	
Filing Date	29-Sep-2009	
First Named Inventor	Melvin Holland	
Art Unit	1638	
Examiner Name	EILEEN O HARA	
Attorney Docket Number	1458-026	
Title	LETTUCE CULTIVAR BOULDER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 20872		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 10, 2012

In re Application of :

Melvin Holland

Application No : 12569812

Filed : 29-Sep-2009

Attorney Docket No : 1458-026

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 10, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,820	09/29/2009	Takashi MUROOKA	FF-0864-US RYU.049	9007
7590 04/04/2011 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER DASTOURI, MEHRDAD	
			ART UNIT 2486	PAPER NUMBER
			MAIL DATE 04/04/2011	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Docket No.: 20750P-020810US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

.....
In re Patent Application of:
Quin C. HOELLWARTH et al.

Application No.: 12/569,823

Confirmation No.: 9019

Filed: September 29, 2009

Art Unit: 2835

For: COVER FOR PORTABLE ELECTRONIC
DEVICE
.....

Examiner: Lisa S. Lea Edmonds

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicants request that this application ("823 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '823 application based on the express abandonment of copending U.S. Patent Application No. 12/240,936 ("936 application"), filed September 29, 2008, and entitled "CACHING MOVIE INFORMATION FOR DISPARATE APPLICATIONS." A copy of a Letter of

Express Abandonment that is being concurrently filed in the '936 application is attached in the Appendix;¹

- The '823 application and the '936 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '823 application are directed to two or more independent and distinct inventions.


Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated:

1/3/11

Respectfully submitted,

APPLE INC.

By 
Brett Allen
Registration No.: 42,258
Attorney of Record
Customer No. 65656
(408) 974-6524

Attachment

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: 60108-0177
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

.....
In re Patent Application of:
Anne Jones

Application No.: 12/240,936

Confirmation No.: 6267

Filed: September 29, 2008

Art Unit: 2165

For: CACHING MOVIE INFORMATION FOR
DISPARATE APPLICATIONS
.....

Examiner: Neveen Abel Jalil

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/569,823

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010) and 75 Fed. Reg. 71072 (November 22, 2010), Applicant requests that this application ("936 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- * the '936 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/569,823 ("823 application"), filed September 29, 2009, and entitled "COVER FOR PORTABLE ELECTRONIC

DEVICE." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '823 application;¹

- Applicant has not and will not file an application that claims the benefit of the '936 application under any provision of title 35, United States Code;
- Applicant agrees not to request a refund of any fees paid in the '936 application; and
- Applicant has not and will not file a new application that claims the same invention claimed in the '936 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated:

1/3/11

Respectfully submitted,

APPLE INC.

By 

Brett Alten

Registration No.: 42,258

Attorney of Record

Customer No. 46258

(408) 974-6524

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
HOELLWARTH, et al.	:	DECISION ON PETITION
Application No. 12/569,823	:	TO MAKE SPECIAL
Filed: September 29, 2009	:	37 CFR 1.102
Attorney Docket No. 20750P-020810US	:	

This is a decision on the petition under 37 CFR 1.102, filed January 5, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

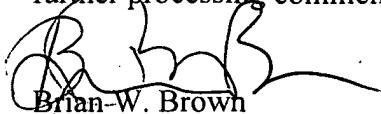
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOFBERG & ASSOCIATES
10 BANK STREET
SUITE 460
WHITE PLAINS, NY 10606

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Application of
Zhongfei Zhang
Application No. 12/569,828
Filed: September 29, 2009
Attorney Docket No. SUNY RB 142.1

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.


The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed November 5, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received July 15, 2010.


April M. Wise
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 027364-003810US Application Number (if known): 12/569,841 Filing date: September 29, 2009

First Named Inventor: Mark P. D'Evelyn et al.

Title: Textured-Surface Light Emitting Diode And Method Of Manufacture

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: None

Signature /Lu Yin/

Date August 10, 2010

Name (Print/Typed) Lu Yin

Registration Number 60,214

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on August 10, 2010.

PATENT
Attorney Docket No.: 027364-003810US

TOWNSEND and TOWNSEND and CREW LLP

By: /s/ Julia Panibratyuk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK P. D'EVELYN et al.

Application No.: 12/569,841

Filed: September 29, 2009

For: TEXTURED-SURFACE LIGHT
EMITTING DIODE AND METHOD OF
MANUFACTURE

Customer No.: 20350

Confirmation No. 9059

Examiner: Lynne Ann Gurley

Technology Center/Art Unit: 2811

PETITION TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY PILOT
PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Applicants hereby request early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. The Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the amount of \$300.

By filing this petition, Applicants are agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

Appl. No. 12/569,841
Dated August 10, 2010
Petition to Make Special Under
the Green Technology Pilot Program

PATENT

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The present invention is related to light-emitting diodes devices, which can be used for various types of lighting applications. Light-emitting diodes promise fundamentally higher efficiencies than traditional lighting technologies such as incandescent and mercury-based fluorescent lamps. Lighting accounts for about 20% of nationwide electricity use. Switching older lighting technologies to high efficiency LED lighting could reduce this electricity consumption in half. That is, an overall 10% reduction in nationwide electricity use. This is a savings of 1100 Terra-Watt-hours/year in energy consumption (or ~ \$100B/year energy costs) and a 200M tons/year reduction in global carbon emissions annually. In addition, it could save 125 GW/year in electricity generation requirements (\$50B construction cost or more). The present invention contributes directly to LED lighting, as the claimed invention directs to textured-surface light emitting diode that can be used to produce energy-efficient and cost-effective LED devices.

A preliminary amendment has been submitted on August 4, 2010 to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully submitted,

/Lu Yin/

Lu Yin
Reg. No. 60,214

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
L1Y/j4p

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 027364-003810US Application Number (if known): 12/569,841 Filing date: September 29, 2009

First Named Inventor: Mark P. D'Evelyn et al.

Title: Textured-Surface Light Emitting Diode And Method Of Manufacture

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

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5. The application does not contain any multiple dependent claims.

6. Other attachments: None

Signature /Lu Yin/

Date August 10, 2010

Name (Print/Typed) Lu Yin

Registration Number 60,214

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



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The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on August 10, 2010.

PATENT
Attorney Docket No.: 027364-003810US

TOWNSEND and TOWNSEND and CREW LLP

By: /s/ Julia Panibratyuk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK P. D'EVELYN et al.

Application No.: 12/569,841

Filed: September 29, 2009

For: TEXTURED-SURFACE LIGHT
EMITTING DIODE AND METHOD OF
MANUFACTURE

Customer No.: 20350

Confirmation No. 9059

Examiner: Lynne Ann Gurley

Technology Center/Art Unit: 2811

PETITION TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY PILOT
PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Applicants hereby request early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. The Commissioner is hereby authorized to charge Deposit Account No. 50-4481 for the amount of \$300.

By filing this petition, Applicants are agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

Appl. No. 12/569,841
Dated August 10, 2010
Petition to Make Special Under
the Green Technology Pilot Program

PATENT

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The present invention is related to light-emitting diodes devices, which can be used for various types of lighting applications. Light-emitting diodes promise fundamentally higher efficiencies than traditional lighting technologies such as incandescent and mercury-based fluorescent lamps. Lighting accounts for about 20% of nationwide electricity use. Switching older lighting technologies to high efficiency LED lighting could reduce this electricity consumption in half. That is, an overall 10% reduction in nationwide electricity use. This is a savings of 1100 Terra-Watt-hours/year in energy consumption (or ~ \$100B/year energy costs) and a 200M tons/year reduction in global carbon emissions annually. In addition, it could save 125 GW/year in electricity generation requirements (\$50B construction cost or more). The present invention contributes directly to LED lighting, as the claimed invention directs to textured-surface light emitting diode that can be used to produce energy-efficient and cost-effective LED devices.

A preliminary amendment has been submitted on August 4, 2010 to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

The application does not contain any multiple dependent claims.

Respectfully submitted,

/Lu Yin/

Lu Yin
Reg. No. 60,214

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
L1Y/j4p



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/569,841	09/29/2009	MARK P. D'EVELYN	027364-003810US	9059
20350 7590 09/01/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER GURLEY, LYNNE ANN	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 09/01/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
D'EVELYN et al.	:	DECISION ON PETITION
Application No. 12/569,841	:	TO MAKE SPECIAL UNDER
Filed: 29 September 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 027364-003810US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 10 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

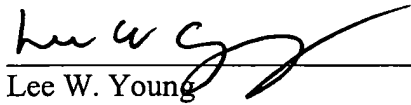
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER, LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

MAILED

SEP 13 2010

In re Application of	:	OFFICE OF PETITIONS
Katrin Strandemar, et. al.	:	
Application No. 12/569,847	:	DECISION ON PETITION
Filed: September 29, 2009	:	TO WITHDRAW FROM
Attorney Docket No. FLIR AB-008	:	RECORD

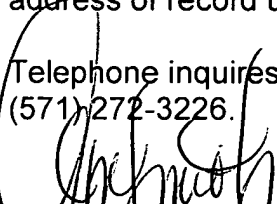
This is a decision on the request to withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed July 28, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys/agents associated with Customer Number 20872 have been revoked by the assignee of the above application on August 31, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new correspondence address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARCELO, HARRISON & WALKER, LLP
2901 W. COAST HWY
SUITE 200
NEWPORT BEACH, CA 92663

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of :

Albert Thomas Harrison :

Application No. 12/569,868 :

Filed: September 29, 2009 :

Attorney Docket No. JCH-0004 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 30, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01/13/12

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction for Appl. No.: 12569890 Patent No.: 7994675

CofC mailroom date: 01/06/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes to claim 10 be approved?**

YES

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE

Art Unit

Newsome, Lamonte

From: Patel, Tulsidas
Sent: Saturday, January 28, 2012 2:09 PM
To: Newsome, Lamonte
Subject: 12569890-SPE's Reponse 9-19-11
Attachments: 12569890-SPE's Reponse 9-19-11.doc

Yes, please approve. Sorry for the delay.

T. C. Patel
Supervisory Patent Examiner, AU2839
571-272-2098

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/570067	Filing date:	30-SEP-2009
First Named Inventor:	Erickson, Dwight D		

Title of the
Invention: Shaped Abrasive Particles with Low Roundness Factor

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/038588

The international date of the corresponding PCT application(s) is/are: June 15, 2010

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/570067

First Named Inventor: Erickson, Dwight D

- d. (1) **An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on _____

- (2) **Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6	1-6	Claims are identical
7	7	Claim 7 in US only depends on Claim 1 instead of "any of the preceding"
8	8	Claims are identical
9	9	Claim 9 in US depends from Claims 1, 2, 3, 7, or 8 instead of "any of the preceding"
10	10	Claim 10 in US depends from Claim 1 instead of "any of the preceding"
11-15	11-15	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Scott A. Baum/

Date March 18, 2011

Name (Print/Typed) Scott A. Baum

Registration Number 51,237

SBI

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT/US2010/038588
OFFICE OF INTELLECTUAL
PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY

MAR 07 2011

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

To: BAUM SCOTT A. 3M CENTER OFFICE OF INTELLECTUAL PROPERTY COUNSEL POST OFFICE BOX 33427 SAINT PAUL MN 55133-3427 USA		Date of mailing (day/month/year) 28 FEBRUARY 2011 (28.02.2011)
Applicant's or agent's file reference 65586WO003		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US2010/038588	International filing date (day/month/year) 15 JUNE 2010 (15.06.2010)	Priority date(day/month/year) 22 JUNE 2009 (22.06.2009)
International Patent Classification (IPC) or both national classification and IPC C09K 3/14(2006.01), C08J 5/14(2006.01)		
Applicant 3M INNOVATIVE PROPERTIES COMPANY		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 28 FEBRUARY 2011 (28.02.2011)	Authorized officer PARK Jin Telephone No. 82-42-481-8274
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MAR 08 2011

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2010/038588

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/038588

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-15	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: JP 2004-510873 A (3M Innovative Properties Company) 08 April 2004
D2: JP 2002-038131 A (RODEL NITTA CO. et al.) 06 February 2002
D3: JP 60-006356 A (RES. DEV. CORP. OF JAPAN) 14 January 1985

1. Novelty and Inventive Step

D1, which is considered to be the closest prior art to the subject matter of claim 1, discloses alpha alumina aggregate particles for polishing, having a polygonal cross-sectional shape (see paragraphs 0104, 0107, 0141, 0152-0154, claims 9, 11). However, the average roundness factor of claim 1 is not disclosed nor suggested in D1-D3.

Therefore, claim 1 involves novelty and an inventive step under PCT Article 33(2) and (3).

Claims 2-15 are dependent on claim 1. Consequently, claims 2-15 are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-15 are industrially applicable under PCT Article 33(4).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/038588

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 7, 9, 10, 11, 13 do not comply with PCT Rule 6.4(a) because multiple dependent claims should not serve as a basis for any other multiple dependent claim.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2010/038588

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The term "substantially" in claim 3 is vague and unclear, so that it leaves the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject matter of the said claim unclear (PCT Article 6).

Claims 12, 14, 15 are dependant on multiple dependent claims of other multiple dependent claims. Therefore, as claims 12, 14, 15 do not clearly define the matter for which protection is sought, these claims do not meet the requirement of PCT Article 6.

What is claimed:

1. Shaped abrasive particles comprising alpha alumina and having a cross-sectional shape along a longitudinal axis of the shaped abrasive particles, the cross-sectional shape comprising a non-circular cross-sectional plane, and the shaped abrasive particles comprise an Average Roundness Factor of between about 15% to 0%.
5
2. The shaped abrasive particles of claim 1 comprising a first face and a second face connected to each other by a sidewall, the first face and the second face separated by a thickness, t ; and a draft angle α between the second face and the sidewall.
3. The shaped abrasive particles of claim 2 wherein a perimeter of the first face and the second face comprises a substantially triangular shape.
10
4. The shaped abrasive particles of claim 1, 2, or 3 wherein the cross-sectional shape comprises a rectangle.
5. The shaped abrasive particles of claim 1, 2, or 3 wherein the cross-sectional shape comprises a trapezoid.
- 15 6. The shaped abrasive particles of claim 5 wherein the draft angle α is between about 95 degrees to about 130 degrees.
7. The shaped abrasive particles of any of the preceding claims comprising a volumetric aspect ratio and the volumetric aspect ratio is greater than about 1.15.
8. The shaped abrasive particles of claim 3 comprising an average tip radius and the average tip radius is less than 75 microns.
20
9. The shaped abrasive particles of any of the preceding claims wherein the Average Roundness Factor is between about 12% to about 5%.
10. The shaped abrasive particles of any of the preceding claims comprising a binder forming an abrasive article selected from the group consisting of bonded abrasive articles, coated abrasive articles, nonwoven abrasive articles, and abrasive brushes.
25
11. A coated abrasive article comprising the shaped abrasive particles of claims 1, 2, 3, 4, 5, 6, 7, 8, or 9 and a make coat on a first major surface of a backing and a majority of the shaped abrasive particles adhered to the make coat by the sidewall, the shaped abrasive particles forming an abrasive layer, the abrasive layer coated with a size

coat, and wherein the abrasive layer comprises at least 5 percent by weight of the shaped abrasive particles.

- 5 12. The coated abrasive article of claim 11 wherein a majority of the shaped abrasive particles are adhered to the make coat by the sidewall, and have an orientation angle β between about 50 degrees to about 85 degrees.
13. The coated abrasive article of claims 11 or 12 wherein the abrasive layer is an open coat abrasive layer and a percent open area in the abrasive layer is between about 40% to about 70%.
- 10 14. The coated abrasive article of claim 13 wherein the abrasive layer comprises 100% by weight of the shaped abrasive particles.
15. The coated abrasive article of claim 13 wherein the orientation angle β is between about 70 degrees to about 85 degrees.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,067	09/30/2009	Dwight D. Erickson	65586US005	9488

32692	7590	05/26/2011
3M INNOVATIVE PROPERTIES COMPANY		
PO BOX 33427		
ST. PAUL, MN 55133-3427		

EXAMINER	
CHRISTIE, ROSS J	

ART UNIT	PAPER NUMBER
1731	

NOTIFICATION DATE	DELIVERY MODE
05/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 25, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Dwight Erickson	:	PARTICIPATE IN PATENT
Serial No. 12/570,067	:	PROSECUTION HIGHWAY
Filed: September 30, 2009	:	PROGRAM AND
For: SHAPED ABRASIVE PARTICLES	:	PETITION TO MAKE SPECIAL
WITH LOW ROUNDNESS FACTOR	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 18, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

Application No. 12/570,067

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of
Nicholas C. Debeer
Application No. 12/570,128
Filed: September 30, 2009
Attorney Docket No. 20004.4049

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed March 16, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Mark Stirrat does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: NFOCUS NEUROMEDICAL, INC.
ATTN: FRANK P. BECKING
2191 EAST BAYSHORE ROAD
SUITE 100
PALO ALTO, CA 94303

O2-0571
12/570,148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Wei Zhang	Examiner:	
Serial No.:	12/570,148	Group Art Unit:	
Filed:	09-30-2009	Docket:	O2-0571
Confirmation No.:	9627		
Title:	BATTERY CAPACITY DETECTION FOR MULTI BATTERY CELLS		

**STATEMENT OF SPECIAL STATUS FOR PETITION TO MAKE
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

BASIS FOR SPECIAL STATUS

Special status under the Green Technology Pilot program is sought because the claimed subject matter of this Application materially contributes to the more efficient utilization and conservation of energy resources. Further, the claimed subject matter of this Application materially enhances the quality of the environment through energy conservation.

HOW THE MATERIALITY STANDARD IS MET

The claimed subject matter of this Application is directed to method for determining a capacity level of a battery pack, battery gas gauge, and electronic system. The method for determining a capacity level of a battery pack, battery gas gauge, and electronic system materially improve energy efficiency by more accurate calculating the charge level of batteries such as rechargeable battery packs to make the batteries more reliable and power efficient. Additionally, the claimed subject matter may be employed in industrial equipment, commercial equipment, and household appliances to materially contribute to the more efficient utilization and conservation of energy resources.

For example, the claimed subject matter may be employed in rechargeable battery pack applications. The claimed subject matter promotes development of increased applications for rechargeable battery packs because of power efficiency and reliability improvements. Moreover, the rechargeable battery packs may be used to replace other inefficient power sources and non-electric power sources such as gas.

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

O2-0571
12/570,148

MURABITO HAO & BARNES LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
74878

Respectfully submitted,

Date: 11/30/2010

By: /James P. Hao/
James P. Hao
Reg. No. 36,398

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: O2-0571	Application Number (if known): 12/570,148	Filing date: 09-30-2009
--	--	--------------------------------

First Named Inventor: **Wei Zhang**

Title: **BATTERY CAPACITY DETECTION FOR MULTI BATTERY CELLS**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature **/James P. Hao/**

Date **11-30-2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,148	09/30/2009	Wei ZHANG	O2-0571	9627
71271 7590 12/22/2010 PATENT PROSECUTION O2MIRCO, INC. 3118 PATRICK HENRY DRIVE SANTA CLARA, CA 95054			EXAMINER ASSOUAD, PATRICK J	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 12/22/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

O2MICRO INC
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

In re Application of	:	
Wei ZHANG	:	DECISION ON PETITION
Application No. 12/570,148	:	TO MAKE SPECIAL UNDER
Filed: September 30, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. O2-0571	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 01, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

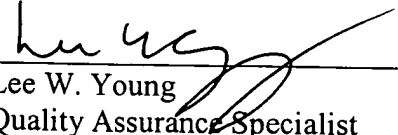
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to more efficient utilization and conservation of energy. The claims are directed to a method for determining a capacity level of a battery pack, a battery gas gauge, and an electronic system. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to the development of more efficient utilization and conservation of energy. Any argument that the claimed invention involves energy conservation is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800

O2-0571
12/570,148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Wei Zhang	Examiner:	
Serial No.:	12/570,148	Group Art Unit:	
Filed:	09-30-2009		
Confirmation No.:	9627		
Title:	BATTERY CAPACITY DETECTION FOR MULTI BATTERY CELLS		

Mail Stop Petition
Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

**PETITION FOR RECONSIDERATION OF DISMISSAL OF PETITION TO MAKE SPECIAL
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

1. Applicant hereby petitions to reconsider the dismissal of the Petition to Make Special Under the Green Technology Pilot Program ("the Petition").
2. According to the Decision on Petition to Make Special Under the Green Technology Pilot Program, the Petition was dismissed because it was contended Applicant's statement pertaining to how the materiality standard is met did not satisfy the requirements for the Green Technology Pilot Program. Applicant disagrees with this contention.
3. Applicant hereby submits a Supplemental Statement of Special Status and a Preliminary Amendment in support of this Petition for Reconsideration.

O2-0571
12/570,148

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

MURABITO HAO & BARNES LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
74878

Respectfully submitted,

Date: 01/20/2011

By: /James P. Hao/
James P. Hao
Reg. No. 36,398

O2-0571
12/570,148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wei Zhang
Serial No.: 12/570,148
Filed: 09-30-2009
Confirmation No.: 9627
Title: BATTERY CAPACITY DETECTION FOR MULTI BATTERY CELLS

**SUPPLEMENTAL STATEMENT OF SPECIAL STATUS FOR PETITION
TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT
PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

BASIS FOR SPECIAL STATUS

Special status under the Green Technology Pilot program is sought because the claimed subject matter of this Application materially contributes to the more efficient utilization and conservation of energy resources. Further, the claimed subject matter of this Application materially enhances the quality of the environment through energy conservation.

HOW THE MATERIALITY STANDARD IS MET

The claimed subject matter of this Application is directed to method for energy efficient determining a capacity level of a battery pack comprising a plurality of cells, said battery pack comprising a rechargeable multi-cell battery pack; battery gas gauge for energy efficient measuring of charge of a battery pack comprising a rechargeable multi-cell battery pack; and electronic system for energy efficient measuring of charge of a battery pack comprising a rechargeable multi-cell battery pack. The method for energy efficient determining a capacity level of a battery pack comprising a plurality of cells, said battery pack comprising a rechargeable multi-cell battery pack; battery gas gauge for energy efficient measuring of charge of a battery pack comprising a rechargeable multi-cell battery pack; and electronic system for energy efficient measuring of charge of a battery pack comprising a rechargeable multi-cell battery pack materially contribute to the more efficient utilization and conservation of energy resources by their energy efficiency during operation compared to existing technology. Consequently, a rechargeable multi-cell battery pack employing the claimed subject matter of this Application may be measured in more energy efficient manner than existing technology, which leads to the more efficient utilization and conservation of energy resources.

Furthermore, rechargeable multi-cell battery packs can provide electrical power without the constraint of a power cord. They are widely used in portable devices such as cell phones, personal digital assistants (PDAs), laptops, and power tools, and now

O2-0571
12/570,148

even can be used in electrical vehicles. The rechargeable multi-cell battery packs may utilize nickel-cadmium (NiCd), nickel-metal hydride (NiMH), or lithium ion (Lilon). A battery gas gauge may be utilized to calculate a remaining capacity in the rechargeable multi-cell battery to determine whether to recharge the rechargeable multi-cell battery.

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

MURABITO HAO & BARNES LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
74878

Respectfully submitted,

Date: 01/20/2011

By: /James P. Hao/
James P. Hao
Reg. No. 36,398



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,148	09/30/2009	Wei ZHANG	02-0571	9627
71271	7590	03/10/2011		
PATENT PROSECUTION			EXAMINER	
O2MIRCO, INC.			ASSOUAD, PATRICK J	
3118 PATRICK HENRY DRIVE			ART UNIT	
SANTA CLARA, CA 95054			2858	
			MAIL DATE	
			03/10/2011	
			DELIVERY MODE	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

O2MICRO INC
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

In re Application of	:	
Wei ZHANG	:	DECISION ON PETITION
Application No. 12/570,148	:	TO MAKE SPECIAL UNDER
Filed: September 30 05, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. O2-0571	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 01, 2010 and renewed on January 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to more efficient utilization and conservation of energy. The claims are directed to a method for determining a capacity level of a battery pack, a battery gas gauge, and an electronic system. The renewed petition alleges conservation of energy based on more efficient measurement of a battery and the ability to provide power without a power cord. While these may be desirable, it is not readily apparent how these provide for more efficient utilization of energy. The mere monitoring of a battery through voltage detection does not provide for ore efficient utilization of energy.

No further consideration of this matter will be undertaken.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,228	09/30/2009	Takeshi Shibasaki	1924.87168	9754

7590 09/23/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

YOUNG, WAYNE R

ART UNIT PAPER NUMBER

2627

MAIL DATE DELIVERY MODE

09/23/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer
Patent Publication Branch
Office of Data Management

12/570,228 09/23/2010 09/23/2010 09/23/2010 12/570,228
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12/570,228 09/23/2010 09/23/2010 09/23/2010 12/570,228



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 16, 2012

In re Application of :

Masatake MIYABE

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12570253

Filed : 30-Sep-2009

Attorney Docket No : 08-51936

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 16, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2475 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12570253	
Filing Date	30-Sep-2009	
First Named Inventor	Masatake MIYABE	
Art Unit	2475	
Examiner Name	ROBERT WILSON	
Attorney Docket Number	08-51936	
Title	COMMUNICATION DEVICE AND COMMUNICATION METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☒ I certify, in accordance with 37 CFR 1.4(d)(4) that:
The RCE request, submission, and fee have already been filed in the above-identified application on 2012.04.16
- ☐ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Scott Elchert/
Name	Scott Elchert
Registration Number	55149



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

MAILED

DEC 12 2011

In re Application of
Lee et al.
Application No. 12/570,323
Filed: September 30, 2009
Attorney Dkt. No. GBRC-0039

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2011, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a restriction requirement mailed February 11, 2011. The Office Action set a one (1) month shortened statutory period for reply. No timely extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on March 12, 2011. A Notice of Abandonment was mailed on August 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply to the restriction requirement (2) the petition fee of \$930.00, and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1724 for appropriate action by the Examiner in the normal course of business on the reply received

A handwritten signature in black ink, appearing to read "Charlema Grant", with a long horizontal flourish extending to the right.

Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROSS PRODUCTS DIVISION OF ABBOTT LABORATORIES
DEPARTMENT 108140-RP3-2
3300 Stelzer Road
COLUMBUS OH 43219-3034

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of
Bryan W. Wolf, et al.
Application No. 12/570,337
Filed: September 30, 2009
Attorney Docket No. 6809USC3

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed at May 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 24, 2010. The Notice of Abandonment was mailed April 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1623 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Christopher M. Goff**
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard, Suite 1800
St. Louis, Missouri, 63105



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JUN 23 2011

OFFICE OF PETITIONS

**A PATENT LAWYER, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON OH 45402**

In re Application of
LAFFERTY
Application No. 12/570,347
Filed: September 30, 2009
Attorney Docket No. T-00017-003

:
:
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:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by R. William Graham on behalf of the attorneys of record associated with Customer No. 25179.

The attorneys of record associated with Customer No. 25179 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: PATRICK LAFFERTY
3400 GOVERNORS TRAIL
DAYTON OH 45409



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/570,347	09/30/2009	Patrick Lafferty	T-00017-003

CONFIRMATION NO. 9984

POWER OF ATTORNEY NOTICE



25179
A PATENT LAWYER, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON, OH 45402

Date Mailed: 06/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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P.O. Box 1450
Alexandria, VA 22313-1450
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of :
C.A. Khatri :
Application No. 12/570,350 : **RESPONSE TO PETITION**
Filed: September 30, 2009 :
Attorney Docket No. ETH5301USDIV1 :

This is a response to the petition under 37 CFR 1.59(b), filed March 3, 2011, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that the Request for Continued Examination (RCE), filed March 2, 2011, be expunged from the above identified application. The petition submits that this information was unintentionally submitted in the above identified application.

It is the intent of the Office that the patent file wrapper be as complete as possible insofar as "material" information is concerned. Information may be removed from the official file that is not "material." Here, the "materiality" of the RCE is not yet known.

Therefore, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the information requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

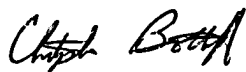
During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant or applicant's

representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.**

Also, the requested for refund for the RCE fee, filed March 2, 2011 must satisfy the requirements for a refund in 37 CFR 1.26.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003**

**MAILED
JUL 21 2011
OFFICE OF PETITIONS**

In re Application of :
C.A. Khatri :
Application No. 12/570,350 : **RESPONSE TO PETITION**
Filed: September 30, 2009 :
Attorney Docket No. ETH5301USDIV1 :

This is a response to the petition under 37 CFR 1.59(b), filed May 6, 2011, to expunge information from the above identified application.

The petition is **granted**.

On May 6, 2011, an Appeal Brief was filed in the above-identified application. The Appeal Brief was intended for U.S. Application No. 10/047,581 but was matched with the above identified application. Petitioner now requests that this Appeal Brief be removed from the file of the above identified application.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers, the papers will be removed as requested.

It is agreed that it would be appropriate in this instance to close the Appeal Brief unintentionally filed May 6, 2011 in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/570,377-Conf. #1041	Filing date:	September 30, 2009
First Named Inventor:	Jerry Glen Sabaldan Elpedes		

Title of the
Invention: OPTICAL SIGHT

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/059185

The international date of the corresponding PCT application(s) is/are: October 1, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/570,377-Conf. #1041
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First Named Inventor:	Jerry Glen Sabaldan Elpedes
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- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on
- June 2, 2010

- ☐ Are attached.
- June 2, 2010
- Have already been filed in the above-identified U.S. application on

[illegible]

Signature <i>/Bryant E. Wade/</i>	Date April 27, 2011
Name (Print/Typed) Bryant E. Wade	Registration Number 40,344

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

8. The optical sight of Claim 7, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.
9. The optical sight of Claim 7, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.
10. The optical sight of Claim 9, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.
11. The optical sight of Claim 10, wherein said surface is substantially perpendicular to said base.
12. The optical sight of Claim 1, wherein said optical element includes a spherical lens.
13. The optical sight of Claim 12, wherein said optical element is a doublet lens.
14. The optical sight of Claim 1, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.
15. The optical sight of Claim 1, wherein said housing includes at least one drain hole formed through said base.
16. The optical sight of Claim 1, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging said housing to position said housing relative to said mount.
17. An optical sight comprising:
an optical element;
a reticle displayed on said optical element; and

a housing including a base, a first post extending from said base, a second post extending from said base, and a cross member extending between said first post and said second post to define an opening receiving said optical element therein, said cross member including a first surface opposing said optical element and a second surface disposed on an opposite side of said cross member than said first surface, said second surface including a substantially concave shape.

18. The optical sight of Claim 17, wherein said first surface includes a substantially concave shape.

19. The optical sight of Claim 17, wherein said first post is substantially parallel to said second post.

20. The optical sight of Claim 17, wherein said first post and said second post are substantially perpendicular to said base.

21. The optical sight of Claim 17, wherein said reticle is selectively displayed on said optical element.

22. The optical sight of Claim 17, further comprising an illumination system selectively displaying said reticle on said optical element.

23. The optical sight of Claim 22, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.

24. The optical sight of Claim 22, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.

25. The optical sight of Claim 24, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.

26. The optical sight of Claim 25, wherein said surface is substantially perpendicular to said base.

5 27. The optical sight of Claim 17, wherein said optical element includes a spherical lens.

28. The optical sight of Claim 27, wherein said optical element is a doublet lens.

10

29. The optical sight of Claim 17, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.

15 30. The optical sight of Claim 17, wherein said housing includes at least one drain hole formed through said base.

31. The optical sight of Claim 17, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging said housing to position said housing relative to said mount.

20

32. An optical sight comprising:
an optical element;
a reticle displayed on said optical element; and
a housing including a base and an upwardly extending portion extending
25 from said base, said upwardly extending portion including an opening receiving said optical element therein and a top portion extending over said optical element and including a first surface opposing said optical element and a second surface formed on an opposite side of said top portion than said first surface and having a substantially concave shape.

30

33. The optical sight of Claim 32, wherein said first surface includes a substantially concave shape.

34. The optical sight of Claim 32, wherein said reticle is selectively displayed on said optical element.
- 5 35. The optical sight of Claim 32, further comprising an illumination system selectively displaying said reticle on said optical element.
36. The optical sight of Claim 35, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.
- 10 37. The optical sight of Claim 35, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.
- 15 38. The optical sight of Claim 37, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.
39. The optical sight of Claim 38, wherein said surface is substantially perpendicular to said base.
- 20 40. The optical sight of Claim 32, wherein said optical element includes a spherical lens.
41. The optical sight of Claim 40, wherein said optical element is a doublet lens.
- 25 42. The optical sight of Claim 32, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.
- 30 43. The optical sight of Claim 32, wherein said housing includes at least one drain hole formed through said base.

44. The optical sight of Claim 32, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging said housing to position said housing relative to said mount.
- 5 45. An optical sight comprising:
a housing;
an optical element supported by said housing and including a spherical lens having a focal length less than two (2) inches; and
a reticle displayed on said optical element.
- 10 46. The optical sight of Claim 45, wherein said housing includes a base and an upwardly extending portion, said upwardly extending portion being substantially perpendicular to said base and supporting said optical element.
- 15 47. The optical sight of Claim 45, further comprising an illumination system selectively displaying said reticle on said optical element.
48. The optical sight of Claim 47, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.
- 20 49. The optical sight of Claim 47, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.
- 25 50. The optical sight of Claim 49, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.
51. The optical sight of Claim 50, wherein said surface is substantially perpendicular to said base.
- 30 52. The optical sight of Claim 45, wherein said optical element is a doublet lens.

53. The optical sight of Claim 45, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.
- 5 54. The optical sight of Claim 45, wherein said housing includes at least one drain hole formed through said base.
55. The optical sight of Claim 45, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging
10 said housing to position said housing relative to said mount.
56. An optical sight comprising:
a housing;
an optical element supported by said housing;
15 a reticle; and
an illumination system selectively displaying said reticle on said optical element and including a switch supplying said optical element with light from one of a first light source and a second light source to generate said reticle.
- 20 57. The optical sight of Claim 56, wherein said switch includes a first input member associated with said first light source, a second input member associated with said second light source, and an output member supplying light from one of said first light source and said second light source to generate said reticle.
- 25 58. The optical sight of Claim 57, wherein said switch includes a movable body movable between said first input member and said second input member to place one of said first input member and said second input member in communication with said output member.

59. The optical sight of Claim 58, wherein said output member is movable with said movable body relative to said first input member and said second input member.
- 5 60. The optical sight of Claim 58, wherein said output member extends through said movable body.
61. The optical sight of Claim 57, wherein at least one of said first input member, said second input member, and said output member are an optical
10 fiber.
62. The optical sight of Claim 56, wherein said first light source is one of an LED and an optical fiber and said second light source is the other of said LED and said optical fiber.
- 15 63. The optical sight of Claim 62, further comprising a tritium lamp in communication with said optical fiber.
64. The optical sight of Claim 56, further comprising a third light source, said
20 switch supplying said optical element with light from one of said first light source, said second light source, or said third light source to generate said reticle.
65. The optical sight of Claim 56, wherein at least one of said first light source and said second light source includes multiple light sources.
- 25 66. The optical sight of Claim 65, wherein said multiple light sources include at least one of a fiber optic, an LED, or a tritium lamp.
67. The optical sight of Claim 56, wherein said first light source is at least one
30 of a fiber optic, an LED, and a tritium lamp and said second light source is at least one of a fiber optic, an LED, and a tritium lamp.

68. An optical sight comprising:
a housing;
an optical element supported by said housing;
a reticle; and

5 an illumination system selectively displaying said reticle on said optical element and including a beam splitter combining light from a first light source and a second light source to generate said reticle, said beam splitter including a mask formed on a surface of said beam splitter and defining a shape of said reticle.

10

69. The optical sight of Claim 68, wherein said beam splitter includes a pair of right-angled prisms.

70. The optical sight of Claim 69, wherein said mask is applied to at surface
15 of one of said right-angled prisms at a joint between said pair of right-angled prisms.

71. The optical sight of Claim 69, wherein said mask is applied to a surface of at least one of said right-angled prisms, said surface being spaced apart from a
20 joint between said pair of right-angled prisms.

72. The optical sight of Claim 69, wherein said mask is applied to a first surface of one of said pair of right-angled prisms and is applied to a second surface of the other of said pair of right-angled prisms.

25

73. The optical sight of Claim 72, wherein said first surface is positioned approximately ninety (90) degrees from said second surface.

74. The optical sight of Claim 68, wherein said first light source includes at
30 least one of an LED, an optical fiber, and a tritium lamp and said second light source includes at least one of an LED, an optical fiber, and a tritium lamp.

75. The optical sight of Claim 74, wherein said beam splitter joins approximately thirty (30) percent of light from one of said LED and said optical fiber and approximately seventy (70) percent of light from the other of said LED and said optical fiber to generate said reticle on said optical element.

5

76. An optical sight comprising:

a housing;

an optical element supported by said housing;

a reticle; and

10 an illumination system including a light source for selectively displaying said reticle on said optical element and a photo detector operable to detect ambient light conditions, said photo detector exposed to ambient light conditions via said optical element.

15 77. The optical sight of Claim 76, wherein said photo detector is disposed adjacent to said optical element.

78. The optical sight of Claim 76, wherein said photo detector is disposed between said housing and said optical element.

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79. The optical sight of Claim 76, wherein said light source is an LED.

80. The optical sight of Claim 76, wherein said illumination system includes a controller operable to adjust an intensity of said light source in response to
25 information received from said photo detector.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/570,377-Conf. #1041	Filing date:	September 30, 2009
First Named Inventor:	Jerry Glen Sabaldan Elpedes		

Title of the
Invention: OPTICAL SIGHT

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML**

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/US2009/059185

The international date of the corresponding
PCT application(s) is/are: October 1, 2009

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/570,377-Conf. #1041
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First Named Inventor: Jerry Glen Sabaldan Elpedes

- 7

June 2, 2010

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Has already been filed in the above-identified U.S. application on

- 1

June 2, 2010

Have already been filed in the above-identified U.S. application on _____

[illegible]

Signature	/Bryant E. Wade/	Date	April 27, 2011
Name (Print/Typed)	Bryant E. Wade	Registration Number	40,344

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

CLAIMS

What is claimed is:

1. An optical sight comprising:
5 an optical element;
a reticle displayed on said optical element; and
a housing including a base, a first post extending from said base, a
second post extending from said base, and a cross member extending between
said first post and said second post to define an opening receiving said optical
10 element therein, said first post and said second post extending above said
opening and away from said base a greater distance than a top surface of said
cross member.
2. The optical sight of Claim 1, wherein said top surface includes a
15 substantially concave shape.
3. The optical sight of Claim 1, wherein said top surface is disposed on an
opposite side of said cross member than a bottom surface, said bottom surface
having a substantially concave shape and opposing said optical element.
20
4. The optical sight of Claim 1, wherein said first post is substantially parallel
to said second post.
5. The optical sight of Claim 1, wherein said first post and said second post
25 are substantially perpendicular to said base.
6. The optical sight of Claim 1, wherein said reticle is selectively displayed
on said optical element.
- 30 7. The optical sight of Claim 1, further comprising an illumination system
selectively displaying said reticle on said optical element.

8. The optical sight of Claim 7, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.
9. The optical sight of Claim 7, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.
10. The optical sight of Claim 9, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.
11. The optical sight of Claim 10, wherein said surface is substantially perpendicular to said base.
12. The optical sight of Claim 1, wherein said optical element includes a spherical lens.
13. The optical sight of Claim 12, wherein said optical element is a doublet lens.
14. The optical sight of Claim 1, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.
15. The optical sight of Claim 1, wherein said housing includes at least one drain hole formed through said base.
16. The optical sight of Claim 1, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging said housing to position said housing relative to said mount.
17. An optical sight comprising:
an optical element;
a reticle displayed on said optical element; and

a housing including a base, a first post extending from said base, a second post extending from said base, and a cross member extending between said first post and said second post to define an opening receiving said optical element therein, said cross member including a first surface opposing said optical element and a second surface disposed on an opposite side of said cross member than said first surface, said second surface including a substantially concave shape.

18. The optical sight of Claim 17, wherein said first surface includes a substantially concave shape.

19. The optical sight of Claim 17, wherein said first post is substantially parallel to said second post.

20. The optical sight of Claim 17, wherein said first post and said second post are substantially perpendicular to said base.

21. The optical sight of Claim 17, wherein said reticle is selectively displayed on said optical element.

22. The optical sight of Claim 17, further comprising an illumination system selectively displaying said reticle on said optical element.

23. The optical sight of Claim 22, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.

24. The optical sight of Claim 22, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.

25. The optical sight of Claim 24, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.

26. The optical sight of Claim 25, wherein said surface is substantially perpendicular to said base.

5 27. The optical sight of Claim 17, wherein said optical element includes a spherical lens.

28. The optical sight of Claim 27, wherein said optical element is a doublet lens.

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29. The optical sight of Claim 17, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.

15 30. The optical sight of Claim 17, wherein said housing includes at least one drain hole formed through said base.

31. The optical sight of Claim 17, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging said housing to position said housing relative to said mount.

20

32. An optical sight comprising:

an optical element;

a reticle displayed on said optical element; and

25 a housing including a base and an upwardly extending portion extending from said base, said upwardly extending portion including an opening receiving said optical element therein and a top portion extending over said optical element and including a first surface opposing said optical element and a second surface formed on an opposite side of said top portion than said first surface and having a substantially concave shape.

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33. The optical sight of Claim 32, wherein said first surface includes a substantially concave shape.

34. The optical sight of Claim 32, wherein said reticle is selectively displayed on said optical element.
- 5 35. The optical sight of Claim 32, further comprising an illumination system selectively displaying said reticle on said optical element.
36. The optical sight of Claim 35, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.
- 10 37. The optical sight of Claim 35, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.
- 15 38. The optical sight of Claim 37, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.
39. The optical sight of Claim 38, wherein said surface is substantially perpendicular to said base.
- 20 40. The optical sight of Claim 32, wherein said optical element includes a spherical lens.
41. The optical sight of Claim 40, wherein said optical element is a doublet lens.
- 25 42. The optical sight of Claim 32, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.
- 30 43. The optical sight of Claim 32, wherein said housing includes at least one drain hole formed through said base.

44. The optical sight of Claim 32, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging said housing to position said housing relative to said mount.

- 5 45. An optical sight comprising:
a housing;
an optical element supported by said housing and including a spherical lens having a focal length less than two (2) inches; and
a reticle displayed on said optical element.

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46. The optical sight of Claim 45, wherein said housing includes a base and an upwardly extending portion, said upwardly extending portion being substantially perpendicular to said base and supporting said optical element.

- 15 47. The optical sight of Claim 45, further comprising an illumination system selectively displaying said reticle on said optical element.

48. The optical sight of Claim 47, wherein said illumination system includes at least one of an LED, a fiber optic, and a tritium lamp.

20

49. The optical sight of Claim 47, further comprising an actuation member operable to permit manual adjustment of a brightness of said illumination system.

- 25 50. The optical sight of Claim 49, wherein said actuation member is disposed on a surface of said housing substantially perpendicular to said optical element.

51. The optical sight of Claim 50, wherein said surface is substantially perpendicular to said base.

30

52. The optical sight of Claim 45, wherein said optical element is a doublet lens.

53. The optical sight of Claim 45, further comprising an adjustment mechanism operable to adjust a position of said reticle on said optical element.
- 5 54. The optical sight of Claim 45, wherein said housing includes at least one drain hole formed through said base.
55. The optical sight of Claim 45, further comprising a mount supporting said housing relative to firearm, said mount including two or fewer posts engaging
10 said housing to position said housing relative to said mount.
56. An optical sight comprising:
a housing;
an optical element supported by said housing;
15 a reticle; and
an illumination system selectively displaying said reticle on said optical element and including a switch supplying said optical element with light from one of a first light source and a second light source to generate said reticle.
- 20 57. The optical sight of Claim 56, wherein said switch includes a first input member associated with said first light source, a second input member associated with said second light source, and an output member supplying light from one of said first light source and said second light source to generate said reticle.
- 25 58. The optical sight of Claim 57, wherein said switch includes a movable body movable between said first input member and said second input member to place one of said first input member and said second input member in communication with said output member.

59. The optical sight of Claim 58, wherein said output member is movable with said movable body relative to said first input member and said second input member.

5 60. The optical sight of Claim 58, wherein said output member extends through said movable body.

61. The optical sight of Claim 57, wherein at least one of said first input member, said second input member, and said output member are an optical
10 fiber.

62. The optical sight of Claim 56, wherein said first light source is one of an LED and an optical fiber and said second light source is the other of said LED and said optical fiber.

15

63. The optical sight of Claim 62, further comprising a tritium lamp in communication with said optical fiber.

64. The optical sight of Claim 56, further comprising a third light source, said
20 switch supplying said optical element with light from one of said first light source, said second light source, or said third light source to generate said reticle.

65. The optical sight of Claim 56, wherein at least one of said first light source and said second light source includes multiple light sources.

25

66. The optical sight of Claim 65, wherein said multiple light sources include at least one of a fiber optic, an LED, or a tritium lamp.

67. The optical sight of Claim 56, wherein said first light source is at least one
30 of a fiber optic, an LED, and a tritium lamp and said second light source is at least one of a fiber optic, an LED, and a tritium lamp.

68. An optical sight comprising:
a housing;
an optical element supported by said housing;
a reticle; and
5 an illumination system selectively displaying said reticle on said optical element and including a beam splitter combining light from a first light source and a second light source to generate said reticle, said beam splitter including a mask formed on a surface of said beam splitter and defining a shape of said reticle.
- 10 69. The optical sight of Claim 68, wherein said beam splitter includes a pair of right-angled prisms.
70. The optical sight of Claim 69, wherein said mask is applied to at surface
15 of one of said right-angled prisms at a joint between said pair of right-angled prisms.
71. The optical sight of Claim 69, wherein said mask is applied to a surface of
at least one of said right-angled prisms, said surface being spaced apart from a
20 joint between said pair of right-angled prisms.
72. The optical sight of Claim 69, wherein said mask is applied to a first
surface of one of said pair of right-angled prisms and is applied to a second
surface of the other of said pair of right-angled prisms.
- 25 73. The optical sight of Claim 72, wherein said first surface is positioned approximately ninety (90) degrees from said second surface.
74. The optical sight of Claim 68, wherein said first light source includes at
30 least one of an LED, an optical fiber, and a tritium lamp and said second light source includes at least one of an LED, an optical fiber, and a tritium lamp.

75. The optical sight of Claim 74, wherein said beam splitter joins approximately thirty (30) percent of light from one of said LED and said optical fiber and approximately seventy (70) percent of light from the other of said LED and said optical fiber to generate said reticle on said optical element.

5

76. An optical sight comprising:

a housing;

an optical element supported by said housing;

a reticle; and

10 an illumination system including a light source for selectively displaying said reticle on said optical element and a photo detector operable to detect ambient light conditions, said photo detector exposed to ambient light conditions via said optical element.

15 77. The optical sight of Claim 76, wherein said photo detector is disposed adjacent to said optical element.

78. The optical sight of Claim 76, wherein said photo detector is disposed between said housing and said optical element.

20

79. The optical sight of Claim 76, wherein said light source is an LED.

80. The optical sight of Claim 76, wherein said illumination system includes a controller operable to adjust an intensity of said light source in response to
25 information received from said photo detector.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,377	09/30/2009	Jerry Glen Sabaldan Elpedes	3801-000027/US	1041
27572 7590 05/20/2011 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER JOHNSON, STEPHEN	
			ART-UNIT 3641	PAPER NUMBER
			MAIL DATE 05/20/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MAY 20 2011

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re application of
Elpedes et al.

Application No. 12/570,377

Filed: September 30, 2009

For: OPTICAL SIGHT

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 27, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amend filed on April 27, 2011 and the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 05/19/11



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JUL 25 2011

OFFICE OF PETITIONS

DICKE, BILLIG & CZAJA, PLLC
ATTN: SILABS MATTERS
FIFTH STREET TOWERS, SUITE 2250
100 SOUTH FIFTH STREET
MINNEAPOLIS MN 55402

In re Application of
Wu, et al.
Application No. 12/570,462
Filed: September 30, 2009
Attorney Docket No. **S386.121.101**

:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed June 23, 2011, to change the name of a joint inventor cited on this application in USPTO records.

The petition is granted.

The name of the first named joint inventor for the above-cited application is changed to "Ramin Khoini-Poorfard."

A corrected filing receipt is enclosed.

Deposit account 50-0471 will be charged \$400.00 for the instant petition fee.

The application file is being directed to Technology Center GAU 2618 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/570,462	09/30/2009	2618	1090	S386.121.101	20	3

CONFIRMATION NO. 1192

CORRECTED FILING RECEIPT



OC000000048920580

65189

DICKE, BILLIG & CZAJA, PLLC
ATTN: SILABS MATTERS
FIFTH STREET TOWERS, SUITE 2250
100 SOUTH FIFTH STREET
MINNEAPOLIS, MN 55402

Date Mailed: 07/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sherry X. Wu, Austin, TX;
Mustafa H. Koroglu, Austin, TX;
Ramin Khoini Poorfard, Austin, TX;
Alessandro Piovaccari, Austin, TX;

Assignment For Published Patent Application

SILICON LABORATORIES INC., Austin, TX

Power of Attorney: The patent practitioners associated with Customer Number 065189

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/30/2009 .

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/570,462**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SHIELDED DIFFERENTIAL INDUCTOR

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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DORSEY & WHITNEY LLP - MINNEAPOLIS
ATTENTION: PATENT PROSECUTION DOCKETING DEPARTMENT
INTELLECTUAL PROPERTY PRACTICE GROUP - PT/23RD FL
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

MAILED
DEC 15 2011
OFFICE OF PETITIONS

In re Application of :
Hamid :
Application No. 12/570,477 :
Filed: September 30, 2009 :
Attorney Docket No. 223-34 US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 6, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Deposit account no. 04-1420 will be charged the \$628 total deficiency.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being forwarded to art unit 2181 for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



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DWM Nov-10

GENERAL ELECTRIC COMPANY
GE AVIATION
ONE NEUMANN WAY MD F16
CINCINNATI OH 45215

MAILED
NOV 10 2010
OFFICE OF PETITIONS

In re Application of	:
Hazel et al.	:
Application Number: 12/570555	: DECISION NOTING JOINDER
Filing Date: 09/30/2009	: OF INVENTOR AND PETITION
Attorney Docket Number: 232798-	: UNDER 37 CFR 1.47(a) MOOT
2	:

Papers filed on August 20, 2010, in response to the decision dismissing petition mailed on July 7, 2010, included a Declaration signed by the previously non-signing inventor, Laura Jill Carroll.

The petition is dismissed as moot.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 3745 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Hazel, et. al.	Examiner:	Roe, Jesse Randall
Appl. No.:	12/570,555	Art Unit:	1733
Filed:	September 30, 2009	Confirmation No.:	1354
Title:	SUPER OXIDATION AND CYCLIC DAMAGE RESISTANT NICKEL- BASE SUPERALLOY AND ARTICLES FORMED THEREFROM	Atty Docket No.:	232798-2

VIA EFS
Commissioner for Patents
P.O. Box 1450
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**Statement Concerning Request for Participation in
the PCT-PPH Pilot Program**

Sir:

This statement accompanies applicant's Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) pilot program and the Petition to Make Special under 37 CFR 1.102(a).

Applicant respectfully submits that the observations made in Box VIII of the Written Opinion of the International Searching Authority, dated November 5, 2010, do not apply to the claims of the present invention. As such, applicant respectfully submits that the present application meets all requirements for a grantable request to participate in the PCT-PPH pilot program and petition to make special.

The observation in Box VIII indicates that the relative terms "about" and "essentially" used in claims 1-12 have no well-recognized meaning and leaves the reader

in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear. The ISA/237 suggests that the terms be deleted.

Applicant respectfully submits that observation in Box VIII does not apply to the claims of the present invention because the term "about" does not render the claims indefinite. The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. *Seattle Box Co., v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification. (MPEP 2173.05(b)). The term "about" has specifically been held to be definite. (see *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)).

Applicant respectfully submits that observation in Box VIII does not apply to the claims of the present invention because the term "essentially" does not render the claims indefinite. The term "essentially" as used in the claims of the present application appears within the commonly used and well-defined transitional phrase "consisting essentially of". The transitional phrases "comprising", "consisting essentially of" and "consisting of" define the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim. (MPEP 2111.03).

Please charge any fees that are incurred in connection with this request to deposit account no. 09-0470. The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters.

Respectfully submitted,

By: /mmg38162/
Michael M. Gnibus
Reg. No. 38,162
Attorney for Applicant

General Electric Company
Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
Phone: (203)-944-6725
Fax: (203)-944-6712

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/570555	Filing date:	9-30-2009
First Named Inventor:	Brian Hazel		

Title of the Invention: SUPER OXICATION AND CYCLIC DAMAGE RESISTANT NICKEL BASE SUPERALLOY COMPOSITION AND ARTICLE

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/049811

The international filing date of the corresponding PCT application(s) is/are: September 22, 2010

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/570555
First Named Inventor:	Brian Hazel

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ WORKSHEET, TWO
Is attached

Has already been filed in the above-identified U.S. application on November 29, 2010

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on NOVEMBER 29, 2010

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/mmg38162/</u>	Date <u>2-1-2011</u>
Name (Print/Typed) <u>Michael M. Gnibus</u>	Registration Number <u>38,162</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

WHAT IS CLAIMED IS:

1. A composition of matter consisting essentially of, in weight percent, from about 6.5 to about 7.5% aluminum, from about 4 to about 8% tantalum, from about 3 to about 10% chromium, from about 2 to about 7% tungsten, from 0 to about 4% molybdenum, from 0 to about 6 % rhenium, from 0 to less than about 0.001% niobium, from 0 to about 5% cobalt, from 0 to about 0.2% silicon, from 0 to about 0.06% carbon, optionally, from 0 to about 0.5% titanium, from 0 to about 0.005% boron, from about 0.15 to about 0.7% hafnium, from 0 to about 0.03% of a rare earth addition selected from the group consisting of yttrium, lanthanum, cesium, and combinations thereof, balance nickel and incidental impurities.
2. The composition of matter according to claim 1 wherein aluminum is present in amounts from about 6.5 to about 7.3wt%.
3. The composition of matter according to claim 1 wherein rhenium, if present, does not exceed about 3.3 wt %.
4. The composition of matter according to claim 1 wherein chromium is present in amounts from about 4 to about 8 wt%.
5. The composition of matter according to claim 1 wherein molybdenum, if present, does not exceed about 3 wt%.
6. The composition of matter according to claim 1 wherein tungsten is present in amounts from about 3 to about 7 wt%.
7. The composition of matter according to claim 1 wherein tantalum is present in amounts from about 5 to about 7 wt%.

8. A composition of matter consisting essentially of, in weight percent, from about 6.6 to about 7.1% aluminum, from about 4 to about 6.5 % tantalum, from about 6 to about 8% chromium, from about 3.5 to about 5.5% tungsten, from 0 to about 1% molybdenum, from 1.5 to about 3.5% rhenium, up to about 5% cobalt, up to about 0.2% silicon, up to about 0.03% carbon, optionally, from 0 to less than about 0.001% niobium, from 0 to about 0.5% titanium, from 0 to about 0.005% boron, from about 0.15 to about 0.7% hafnium, from 0 to about 0.03% of a rare earth addition selected from the group consisting of yttrium, lanthanum, cesium, and combinations thereof, balance nickel and incidental impurities.
9. The composition of matter according to claim 8 wherein aluminum is present in amounts from about 6.7 to about 7 wt%.
10. The composition of matter according to claim 8 wherein rhenium is present in amounts from about 1.5 to about 3.3 wt %.
11. The composition of matter according to claim 6 wherein chromium is present in amounts from about 5 to about 7.5 wt%.
12. An article comprising a substantially single crystal having a composition consisting essentially of, in weight percent, from about 6.5 to about 7.5% aluminum, from about 4 to about 8% tantalum, from about 3 to about 10% chromium, from about 2 to about 7% tungsten, from 0 to about 4% molybdenum, from 0 to about 6 % rhenium, from 0 to less than about 0.001% niobium, from 0 to about 5% cobalt, from 0 to about 0.2% silicon, from 0 to about 0.06% carbon, optionally, from 0 to about 0.5% titanium, from 0 to about 0.005% boron, from about 0.15 to about 0.7% hafnium, from 0 to about 0.03% of a rare earth addition selected from the group consisting of yttrium, lanthanum, cesium, and combinations thereof, balance nickel and incidental impurities.
13. The article according to claim 12 comprising a blade of a gas turbine.

14. The article according to claim 12 comprising a component of a gas turbine engine selected from a nozzle, a shroud, a splash plate, and a combustor component.
15. The article according to claim 11 comprising a directionally solidified component.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
Gnibus, Michael M.
GENERAL ELECTRIC COMPANY
Global Patent Operation
PO Box 861
2 Corporate Drive, Suite 648
Shelton, CT 06484
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year) 5 November 2010 (05-11-2010)	
Applicant's or agent's file reference 232798_4	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US2010/049811	International filing date (day/month/year) 22 September 2010 (22-09-2010)
Applicant GENERAL ELECTRIC COMPANY	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90**bis**.1 and 90**bis**.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer MAZZARIOL, Francesca Tel: +49 (0)89 2399-7911
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NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 232798 4	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/049811	International filing date (day/month/year) 22/09/2010	(Earliest) Priority Date (day/month/year) 30/09/2009	
Applicant GENERAL ELECTRIC COMPANY			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1
- ☒ as suggested by the applicant
- ☐ as selected by this Authority, because the applicant failed to suggest a figure
- ☐ as selected by this Authority, because this figure better characterizes the invention
- b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2010/049811

A. CLASSIFICATION OF SUBJECT MATTER

INV. C22C19/05

ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

C22C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2009/185944 A1 (HU YIPING [US]) 23 July 2009 (2009-07-23) * abstract	1-15
A	EP 1 568 794 A1 (INDP ADMINISTRATIVE INST NIMS [JP]; ISHIKAWAJIMA HARIMA HEAVY IND [JP]) 31 August 2005 (2005-08-31) paragraph [0010] - paragraph [0012]; claims 1-19; figures 1,2; tables 1,2	1-15
A	WO 2009/032579 A1 (GEN ELECTRIC [US]; O'HARA KEVIN SWAYNE [US]; CARROLL LAURA JILL [US]) 12 March 2009 (2009-03-12) * abstract	1-15
A,P	US 2010/135846 A1 (CETEL ALAN D [US] ET AL) 3 June 2010 (2010-06-03) * abstract	1-15



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

28 October 2010

Date of mailing of the international search report

05/11/2010

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Rolle, Susett

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/049811

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2009185944	A1	23-07-2009	NONE	
EP 1568794	A1	31-08-2005	AU 2003289214 A1 CA 2508698 A1 CN 1745186 A WO 2004053177 A1 JP 3814662 B2 US 2006011271 A1	30-06-2004 24-06-2004 08-03-2006 24-06-2004 30-08-2006 19-01-2006
WO 2009032579	A1	12-03-2009	CA 2696939 A1 CN 101790593 A EP 2188401 A1	12-03-2009 28-07-2010 26-05-2010
US 2010135846	A1	03-06-2010	EP 2218798 A2	18-08-2010

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2010/049811

International filing date (day/month/year)
22.09.2010

Priority date (day/month/year)
30.09.2009

International Patent Classification (IPC) or both national classification and IPC
INV. C22C19/05

Applicant
GENERAL ELECTRIC COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0
Fax: +49 89 2399 - 4465

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Rolle, Susett

Telephone No. +49 89 2399-7980



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/049811

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
- a. (means)
- ☐ on paper
 - ☐ in electronic form
- b. (time)
- ☐ in the international application as filed
 - ☐ together with the international application in electronic form
 - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-15</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-15</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-15</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1 US 2009/185944 A1 (HU YIPING [US]) 23 July 2009 (2009-07-23)

WO 2010/111200 A1 claims a first priority date of 24 March 2009 and was published on 30 September 2010, i.e. after the 30 September 2009 priority date and after the 22 September 2010 filing date of the present application. Thus, D1 is an earlier filed but later published application and, as such, is not considered prior art for the purpose of international preliminary examination as to novelty (Rule 64.3 PCT; PCT Guidelines Chapters 11.08-11.09). Nevertheless, it may become relevant for further proceedings in the European phase.

2. Novelty, Article 33(2) PCT

2.1 It is the aim of the application to provide a lower density Ni-base alloy having excellent oxidation and cyclic damage resistance as well as improved microstructure stability.

2.2 The document D1 is considered the closest prior art and discloses a single crystal nickel-based superalloy composition for gas turbine engines components, consisting of (in wt.%) chromium 4-7, cobalt 8-12, molybdenum 1-2.5, tungsten 3-6, rhenium 2-4, aluminum 5-7, titanium 0-1.5, tantalum 6-10, hafnium 0.08-1.2, sulfur less than 0.0002, zirconium less than 0.007, optionally yttrium, lanthanum and/or cerium 0.001-0.015, and carbon and/or boron 0.03-0.1, remainder being nickel.

The alloys of claims 1 and 8 and the article of claim 12 is new (Article 33(2) PCT).

3. Inventive step, Article 33(3) PCT

None of the remaining documents is teaching the now claimed Co range or is linking such a range. Such a solution is also not derivable from D1 itself as indicated above. Consequently, an inventive step may also be acknowledged (Article 33(3) PCT).

Claims 2-7, 9-11 and 13-15 are dependent and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VIII

Certain observations on the international application

4. Alloys are largely dependent for their properties on the composition. Any slight variation in the composition will have implications for the properties which may even be completely unexpected and large. Hence, a claim relating to an alloy, in which the composition plays a role in determining the final properties must define the composition in a clear, precise and exhaustive manner. If it is not so defined, then the alloy composition may possibly not achieve the properties as set out in the application, in the present case attain an alloy with improved oxidation resistance, low density, great cyclic damage resistance and improved microstructure stability. In such a case the alloy could not be inventive.

The relative terms "about" and "essentially" used in claims 1-12 have no well-recognised meaning and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear. The terms should be deleted.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPEA (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,555	09/30/2009	Brian Thomas Hazel	232798-2	1354

6111	7590	04/19/2011
GENERAL ELECTRIC COMPANY		
Global Patent Operation-Aviation		
2 Corporate Drive		
STE 648		
Shelton, CT 06484		

EXAMINER	
ROE, JESSEE RANDALL	

ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
04/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Aviation.GPODocketing@ge.com
gpo.mail@ge.com



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EL

April 18, 2011

In re application of	:	DECISION ON REQUEST TO
Hazel, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/570,555	:	PROSECUTION HIGHWAY
Filed: September 30, 2009	:	PROGRAM AND
For: SUPER OXIDATION AND CYCLIC	:	PETITION TO MAKE SPECIAL
DAMAGE RESISTANT NICKEL-BASE	:	UNDER 37 CFR 1.102(a)
SUPERALLOY AND ARTICLES FORMED THEREFROM	:	

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 01, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

It is noted that the Written Opinion contains certain observations, the use of relative terminologies, on the international application. However, upon a review of the claims and the noted observation, it is found that the observation does not affect the search and examination of the claims at USPTO. The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

NOV 23 2011

OFFICE OF PETITIONS

In re Application of Chan et al. :
Application No. 12/570,584 :
Filing Date: September 30, 2009 :
Attorney Docket No. EVMED.009A :
Pub. No.: US 2011/0078253 A1 :
Pub. Date: March 31, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed May 25, 2011.

The request is **dismissed**.

Applicants request the application be republished because the publication does not indicate the application is claiming priority to Provisional Application No. 61/122,233.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a “material” mistake if the mistake affects the public’s ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

Neither the application data sheet (“ADS”) nor the first sentence of the specification filed September 30, 2009, included a benefit claim based on Application No. 61/122,233.

¹ See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

An amended specification including a benefit claim based on Application No. 61/122,233 was filed February 2, 2010, and a supplemental application data sheet including the benefit claim was filed June 21, 2010.

The Office is not required to include new information in a supplemental application data sheet when publishing an application. Therefore, the omission of the requested priority information on the cover sheet of the publication was not an Office mistake.

The amendment to the specification was not submitted in compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does not require the Office to include such changes in the publication. Therefore, the omission of the requested priority information from the first sentence of the published specification was not an Office mistake.

Applicant are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.


Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.


Christopher Bottorff
Petitions Examiner
Office of Petitions



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**MARK D MILLER
KIMBLE, MACMICHAEL & UPTON
5260 NORTH PALM AVENUE
SUITE 221
FRESNO CA 93704**

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :

ACEVES, Michael E. :

Application No. 12/570,597 :

Filed: September 30, 2009 :

Attorney Docket No. 11826.01.USU01 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Mark Miller on behalf of all attorneys of record who are associated with customer No. 25265. All attorneys/agents associated with the Customer Number 25265 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Michael Aceves at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MICHAEL ACEVES
31200 WILLOW POND LN
COARSEGOLD CA 93614**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,617	09/30/2009	Kim C. SHANTZ	1196-014	1478
32905	7590	11/01/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			COLLINS, CYNTHIA E	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			11/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of: :
 Kim C. Schantz :
 Serial No.: 12/570,617 : PETITION DECISION
 Filed: September 30, 2009 :
 Attorney Docket No.: 1196-014 :

This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 14, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,617	09/30/2009	Kim C. SHANTZ	1196-014	1478

32905	7590	01/09/2012
JONDLE & ASSOCIATES, P.C.		
858 HAPPY CANYON ROAD, SUITE 230		
CASTLE ROCK, CO 80108		

EXAMINER	
COLLINS, CYNTHIA E	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
01/09/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JAN 09 2012

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: :
Kim C. Shantz :
Serial No.: 12/570,617 : PETITION DECISION
Filed: September 30, 2009 :
Attorney Docket No.: 1196-014 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 13, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 14, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS TX 75374-1715

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of :
Stephen C. GERBER, et al :
Application No. 12/570,625 : ON PETITION
Filed: September 30, 2009 :
Attorney Docket No. CYGL-29,667 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 20, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 21, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

With respect to item (1): The Notice mailed October 20, 2009, required replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 (d), which was not included with the petition filed June 17, 2010. In this regard, the drawings do not comply with 37 CFR 1.121 (d), because the drawings are not labeled "Replacement Drawings" in the top margin, as required.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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OCT 04 2010

OFFICE OF PETITIONS

HOWISON & ARNOTT, L.L.P.
P.O. BOX 74175
DALLAS TX 75374-1715

In re Application of :
Stephen C. GERBER, et al :
Application No. 12/570,625 : **DECISION ON PETITION**
Filed: September 30, 2009 :
Attorney Docket No. CYGL-29,667 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 20, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further processing.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON, TX 77070**

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Vitaly Morozov	:	
Application No. 12/570,628	:	DECISION ON PETITION
Filed: September 30, 2009	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 0081-161001	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 13, 2011 the power of attorney to Wong, Cabello, Lutsch, Rutherford & Brucculeri L.L.P. was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Brake Hughes Bellermann LLP
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,639	09/30/2009	Kimihiko Naito	24563	1514
7590 03/06/2012 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER HENDERSON, RYAN N	
			ART UNIT	PAPER NUMBER
			3779	
			MAIL DATE	DELIVERY MODE
			03/06/2012	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,692	09/30/2009	Yukio Urata	1924.87262	1625
7590 04/07/2011 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER OLSON, JASON C	
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			04/07/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

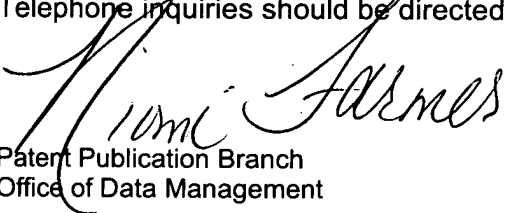
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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CHOATE HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of
Albrecht Gass et al
Application No. 12/570,753
Filed: September 30, 2009
Attorney Docket No.: 2009077-0001 (SST-001)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.


The request is filed by Brenda Herschbach Jarrell on behalf of all the practitioners of record.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the Customer Number provided (48329) does not identify the intervening assignee of the entire interest or the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


Irvin Dingle
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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**PARKER INTELLECTUAL PROPERTY LAW OFFICE
536 PANTOPS CENTER
234
CHARLOTTESVILLE VA 22911**

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Stack et al.
Application No. 12/570,755
Filed: September 30, 2009
Attorney Docket No. GOOD.11.NP

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Sheldon H. Parker on behalf of all attorneys of record who are associated with Customer Number 62152.

All attorneys/agents associated with the Customer Number 62152 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,855	09/30/2009	Yuji Kan	091166	1951
7590 10/13/2011 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER YU, JUSTINE ROMANG	
			ART UNIT	PAPER NUMBER
			3771	
			NOTIFICATION DATE	DELIVERY MODE
			10/13/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & SPALDING, LLP
1100 LOUISIANA ST., STE. 4000
ATTN.: IP Docketing
HOUSTON, TX 77002-5213

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of
George Michael Drake, et. al.
Application No. 12/570,914
Filed: September 30, 2009
Attorney Docket No. 13682.117588

**DECISION ON PETITION
UNDER 37 CFR 1.47(a)**

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 16, 2010.

Papers filed on June 16, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed May 3, 2010, included a Declaration signed by a previously non-signing inventor, Scott Kroeger, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT.**

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center Art Unit 3662 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,922	09/30/2009	Yutaka Horiguchi	1924.87255	1082

7590 10/08/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
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2189

MAIL DATE	DELIVERY MODE
-----------	---------------

10/08/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nomi Forner
Patent Publication Branch
Office of Data Management

NO. 12/570,922
10/08/2010
22 7061111
10/08/2010
3020/213
040122 01
12570922



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
SEP 29 2010
OFFICE OF PETITIONS

AUSTIN RAPP & HARDMAN
170 SOUTH MAIN STREET, SUITE 735
SALT LAKE CITY, UT 84101

In re Application of.	:	
Bishop et al.	:	
Application No. 12/570,944	:	NOTICE
Filed: September 30, 2009	:	
Attorney Docket No. 3603.2.6	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/570,981	09/30/2009	Tatsuya Haga	1924.87256	1182

EXAMINER	
YOUNG, WAYNE R	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

7590 09/10/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

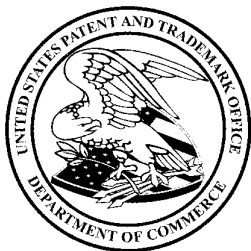
The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

RECEIVED
SEP 10 2010
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VIRGINIA



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 6, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Drew Ivers

ATTORNEY/AGENT OF RECORD

Application No : 12571002

Filed : 30-Sep-2009

Attorney Docket No : 1586-005

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 6, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12571002	
Filing Date	30-Sep-2009	
First Named Inventor	Drew Ivers	
Art Unit	1638	
Examiner Name	LI ZHENG	
Attorney Docket Number	1586-005	
Title	SOYBEAN CULTIVAR S080099	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 07 2010

OFFICE OF PETITIONS

RYLANDER & ASSOCIATES PC
406 West 12th Street
Vancouver, WA 98660

In re Application of
Ranier HORST
Application No. 12/571,026
Filed: September 30, 2009
Attorney Docket No. **HORR.001**

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.137(b)**
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 16, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a supplemental declaration with \$65 surcharge fee, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.


An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$65 extension of time fee submitted with the petition on July 19, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and a partial refund of \$20 will be credited to petitioner's credit card. The remaining \$45 has been applied towards the petition fee of \$765 submitted with the petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition.

However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received December 30, 2009.



Thurman K. Page
Petitions Examiner
Office of Petitions

CC: **MARK E. BEATTY**
P.O. BOX 250
VANCOUVER, WA 98666

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12571027	
Filing Date	30-Sep-2009	
First Named Inventor	Drew Ivers	
Art Unit	1638	
Examiner Name	LI ZHENG	
Attorney Docket Number	1586-007	
Title	SOYBEAN CULTIVAR S080100	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 6, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Drew Ivers

ATTORNEY/AGENT OF RECORD

Application No : 12571027

Filed : 30-Sep-2009

Attorney Docket No : 1586-007

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 6, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 6, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Drew Ivers

ATTORNEY/AGENT OF RECORD

Application No : 12571048

Filed : 30-Sep-2009

Attorney Docket No : 1586-009

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 6, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12571048	
Filing Date	30-Sep-2009	
First Named Inventor	Drew Ivers	
Art Unit	1638	
Examiner Name	LI ZHENG	
Attorney Docket Number	1586-009	
Title	SOYBEAN CULTIVAR S080137	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/571,064	09/30/2009	Ryuji SAKAI	SUTOSH.487AUS	1322
20995 7590 03/11/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER DAM, TUAN QUANG	
			ART UNIT 2192	PAPER NUMBER
			NOTIFICATION DATE 03/11/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
cOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: R. SAKAI
Application No. 12/571,064
Attorney Docket #: **SUTOSH.487AUS**
Filed: September 30, 2009
For: **COMPUTER PROGRAM,
MULTIPROCESSOR SYSTEM, AND
GROUPING METHOD**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PROGRAM
AND PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 6, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either
 - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims,
 - Or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - (i) validly claims priority to an application filed in the JPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim,
 - Or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - (i) validly claims priority to an application filed in the JPO, or

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12571079	
Filing Date	30-Sep-2009	
First Named Inventor	Victoria Lyons	
Art Unit	3635	
Examiner Name	CHARISSA AHMAD	
Attorney Docket Number	LYO09U001	
Title	Modular Building System	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Victoria Lyons	
Address	600 Alpha Parkway	
City	Stow	
State	OH	
Postal Code	44224	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/Jay Schloff/

Name

Jay Schloff

Registration Number

57069



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 2,2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Victoria Lyons

ATTORNEY/AGENT OF RECORD

Application No : 12571079

Filed: 30-Sep-2009

Attorney Docket No : LYO09U001

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed May 2,2011

The request is **APPROVED**

The request was signed by Jay Schloff (registration no. 57069) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name Victoria Lyons
Name2
Address 1 600 Alpha Parkway
Address 2
City Stow
State OH
Postal Code 44224
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/571,151	09/30/2009	Hiroaki Inoue	1924.87257	1471
7590 02/22/2011				
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
EXAMINER HABERMEHL, JAMES LEE				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
02/22/2011		PAPER		

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

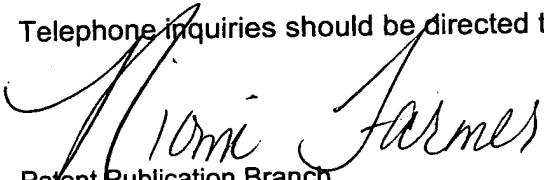
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303**

MAILED

SEP 19 2011

In re Application of	:	OFFICE OF PETITIONS
Gera Neufeld et al.	:	
Application No. 12/571,167	:	DECISION ON PETITION
Filed: September 30, 2009	:	TO WITHDRAW
Attorney Docket No. ARBS-00T1DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Docket No.: 101-P679/P7475US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Payam MIRRASHIDI et al.

Application No.: 12/571,266

Confirmation No.: 1668

Filed: September 30, 2009

Art Unit: 3625

For: APPLICATION PRODUCTS WITH IN-
APPLICATION SUBSEQUENT FEATURE
ACCESS USING NETWORK-BASED
DISTRIBUTION SYSTEM

Examiner: Matthew E. Zimmerman

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("266 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '266 application based on the express abandonment of copending U.S. Patent Application No. 12/113,088 ("088 application"), filed April 30, 2008, and entitled "USER INTERFACE METHOD AND APPARATUS FOR ONLINE INTERACTIVE GIFT REGISTRY." A copy of

a Letter of Express Abandonment that is being concurrently filed in the '088 application is attached in the Appendix;¹

- The '266 application and the '088 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '266 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By

Brett Alten

Registration No.: 42,258

Attorney of Record

Customer No. 67521

(408) 974-6524

Attachment

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

APPENDIX

Docket No.: 8681.002.NPUS00[P5988US1]
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Pedraum PARDEHPOOSH

Application No.: 12/113,088

Confirmation No.: 1354

Filed: April 30, 2008

Art Unit: 2173

For: USER INTERFACE METHOD AND
APPARATUS FOR ONLINE INTERACTIVE
GIFT REGISTRY

Examiner: Kieu D. Vu

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/571,266

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicant requests that this application ("088 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '088 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/571,266 ("266 application"), filed September 30, 2009, and entitled "APPLICATION PRODUCTS WITH IN-APPLICATION SUBSEQUENT FEATURE ACCESS USING NETWORK-BASED

DISTRIBUTION SYSTEM." A Petition to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '266 application;¹

- Applicant has not and will not file an application that claims the benefit of the '088 application under any provision of title 35, United States Code;
- Applicant agrees not to request a refund of any fees paid in the '088 application; and
- Applicant has not and will not file a new application that claims the same invention claimed in the '088 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By 

Brett Allen

Registration No.: 42,258

Attorney of Record

Customer No. 77970

(408) 974-6524

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TI Law Group
2055 Junction Avenue, #205
San Jose CA 95131-2116

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of	:	
MIRRASHIDI, et al.	:	DECISION ON PETITION
Application No. 12/571,266	:	TO MAKE SPECIAL
Filed: September 30, 2009	:	37 CFR 1.102
Attorney Docket No. 101-P679/P7475US1	:	

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.


The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian-W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED
JAN 12 2011
OFFICE OF PETITIONS

Applicants: Nielsen et al.
Appl. No.: 12/571,329
Filing Date: September 30, 2009
Title: METHODS AND APPARATUS FOR GENERATING ELECTRONIC
RECORDS OF LOCATE OPERATIONS
Attorney Docket: D0687.70054US00
Pub. No.: US 2010/0085185 A1
Pub. Date: April 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 4, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

MAILED

MAY 10 2011

OFFICE OF PETITIONS

**In re Application of
SCHONBERG, et al
Application No. 12/571,365
Filed: September 30, 2009
Attorney Docket No. 3382-82068-02**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, March 8, 2011, to correct the spelling of the name of inventor “Dan Schonberg” to – Daniel Schonberg--, and inventor “Shankar Regunathan” to --Shankar L. Regunathan--.

The petition is **DISMISSED**.

In the petition dated March 8, 2011, petitioner states that the above-identified corrections should be made and has provided a Supplemental Data Sheet listing the inventors names as spelled correctly. However, the declaration filed October 29, 2009, does not show the corrected inventors names as indicated in the petition.

In view of the above, the petition under § 1.182 to correct the inventor's names cannot be granted at this time.


Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop PETITIONS**
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Diane Goodwyn at (571) 272-6735.


Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED

JAN 28 2011

OFFICE OF PETITIONS

Applicant: Nielsen, et al.

Appl. No.: 12/571,411

Filing Date: September 30, 2009

Title: MARKING DEVICE DOCKING STATIONS AND METHODS OF
USING THE SAME

Attorney Docket No.: D0687.70009US01

Pub. No.: US 2010/0085694 A1

Pub. Date: April 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 29, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the brief description of the drawings wherein “docking station” or “station” was deleted in paragraphs [0016], [0024], [0028] and [0030].

37 CFR 1.221 (b) is applicable: “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable”. A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The error is a clear printing error, which is clear to anyone with ordinary skill in the art, as the brief description refers to the figure and it is further described in the specification. The error does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

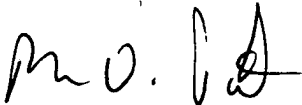
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE MUELLER LAW OFFICE, P.C.
12707 HIGH BLUFF DRIVE, SUITE 200
SAN DIEGO, CA 92130

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of
S. Brad Herner, et al.
Application No. 12/571,415
Filed: September 30, 2009
Attorney Docket No.: TWINP041/TCA-046

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on May 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition. This is also a decision on the Request to Correct Inventorship under 37 CFR 1.48(a).

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and (iii) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C.

§ 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Secondly, it is noted that the amendment and ADS filed May 27, 2011 indicates that the present application is a continuation-in-part of Application No. 13/048,955, filed March 16, 2011, which is a continuation of Application No. 12/130,241. However, Application No. 13/048,955 is not a prior filed application and, consequently, the present application cannot claim benefit therefrom.

Lastly, in order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. The prior-filed applications noted in the amendment and ADS do not name at least one inventor named in the present application.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

The request under 37 CFR 1.48(a) is **DISMISSED**.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b)).

The request under 37 CFR 1.48(a) lacks compliance with items 2 and 5.

In regards to item 2 – petitioner failed to submit a statement from the person being added as an inventor and that the error in inventorship occurred without deceptive intention on his parts.

In regards to item 5 – receipt is acknowledged of the consent of the assignee; however, it was not accompanied by the necessary statement under 37 CFR 3.37(b).

Before the petition can be granted, a renewed petition under 37 CFR 1.48(a) must be filed, including the omitted items.

Any request for reconsideration of the decisions under 37 CFR 1.78(a)(3) and 37 CFR 1.48(a) must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fees are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS

P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 11/29/2011
Patent No. : 8,049,104 B2
Serial No. : 12/571,415
Inventor(s) : Herner et al.
Issue Date : November 1, 2011
Title : INTERMETAL STACK FOR USE IN A PHOTOVOLTAIC CELL
./File No. : TWINP041/TCA-046

Re: Consideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error(s) in your request, your request is printed in accordance with the record (85B) Issue Fee Transmittal dated 9/13 in the office, since it is a typographical error on the part of the applicant, a c of c fee of 100.00 is required. Your request is unable to be processed at this time, please provide the office with a valid account number to charge the fee due.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

THE MUELLER LAW OFFICE, P.C.
12707 High Bluff Drive, Suite 200
San Diego CA 92130

ECW

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110813

DATE : August 13, 2011

TO SPE OF : ART UNIT 1621

SUBJECT : Request for Certificate of Correction on Patent No.: 7863484

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/DANIEL SULLIVAN/
Supervisory Patent Examiner.Art Unit 1621



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 30 2011

OFFICE OF PETITIONS

POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON, DE 19899-0951

In re Patent No. 7,919,675	:	
Issue Date: April 5, 2011	:	
Application No. 12/571,471	:	ON PETITION
Filed: October 1, 2009	:	
Attorney Docket No.: 35290-013 (PHI	:	
1731EC+)	:	

This is a decision on the communication, filed April 6, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON VA 20170

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of
Doo-Sung Lee
Application No. 12/571,473
Filed: October 1, 2009
Attorney Docket No. 604-0361

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 16, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 17, 2010.

The petition is **GRANTED**.

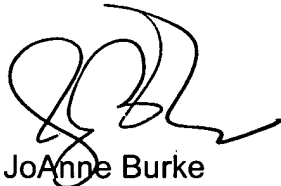
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to be 'JB' with a stylized flourish at the end.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 12, 2012

In re Application of :

Ivan DJORDJEVIC

Application No : 12571501

Filed : 01-Oct-2009

Attorney Docket No : 08058

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 12, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12571501	
Filing Date	01-Oct-2009	
First Named Inventor	Ivan DJORDJEVIC	
Art Unit	2112	
Examiner Name	MUJTABA CHAUDRY	
Attorney Docket Number	08058	
Title	HIGH SPEED LDPC DECODING	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.


THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Joseph Kolodka/
Name	Joseph Kolodka
Registration Number	39731

DAC

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request 		PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number		12571501	
Filing Date		01-Oct-2009	
First Named Inventor		Ivan DJORDJEVIC	
Art Unit		2112	
Examiner Name		MUJTABA CHAUDRY	
Attorney Docket Number		08058	
Title		HIGH SPEED LDPC DECODING	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;(4) Statement that the entire delay was unintentional.			
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>			
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p> <p>04/13/2012 INTEFSW 00002530 12571501 01 FC:1453 1860.00 DA</p>			
Drawing corrections and/ or other deficiencies.			

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Joseph Kolodka/
Name	Joseph Kolodka
Registration Number	39731



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of
Christian Spandern, et al.
Application No. 12/571,565
Filed: October 1, 2009
Attorney Docket No.: LUK-16

:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed December 1, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is unsigned. It appears that the petition was intended to be signed by the attorney of record, Donald C. Lucas.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent of record appointed in compliance with §1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or
- (5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is

a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks the unintentional delay statement noted in item (3) since the petition containing the statement of unintentional delay is not signed.

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and any omissions noted above.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

MAILED
APR 29 2011
OFFICE OF PETITIONS

In re Application of
Christian Spandern, et al.
Application No. 12/571,565
Filed: October 1, 2009
Attorney Docket No.: LUK-16

ON PETITION

This is a decision on the renewed petition, filed March 14, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 24, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 25, 2010. A Notice of Abandonment was subsequently mailed on December 9, 2010. A petition under the provisions of 37 CFR 1.137(b) was filed on December 1, 2010; however, the petition was dismissed in a decision mailed February 9, 2011. On March 14, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 05 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re application of	:	DECISION ON REQUEST TO
Oda et al.	:	PARTICIPATE IN PATENT
Application No. 12/571,567	:	PROSECUTION HIGHWAY
Filed: October 01, 2009	:	PROGRAM AND PETITION
For: WORKPIECE TRANSFER	:	TO MAKE SPECIAL UNDER
ROBOT SYSTEM	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 12, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed November 12, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 01/04/11



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAZEN PATENT GROUP, LLC
1534 W. ISLANDIA DR.
GILLBERT AZ 85233

MAILED

MAY 9 1 2011

In re Application of :
Balakin :
Application No. 12/571,589 : DECISION
Filed: 1 October, 2009 :
Attorney Docket No. PROT0026 :

OFFICE OF PETITIONS

This is a decision on the petition filed on 12 March, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

It does not appear that Petitioner has provided the express schedule of fees/codes, payments made, payments due and differentials, with totals. (*See*: 37 C.F.R. §1.27, §1.28, MPEP §509.02, et seq.) The Office will not attempt to infer Petitioner's specific intents.

If Petitioner's only intent was to Notice the Office of Change of Status, Petitioner is reminded to Notice the Office on payment of the next fees submitted.

As of this writing, Petitioner's submission is **NOT ACCEPTED** in the absence of a specification of the fees/codes, payments made, payments due and differentials, with totals.

Petitioner's request for reconsideration of this decision **must** be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.27, §1.28."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Application No. 12/571,589

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

The instant petition under 37 C.F.R. §1.27, §1.28 is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314


The centralized facsimile number is **(571) 273-8300**.

The application is released to Technology Center/AU 2881 for further processing in due course.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 12/571,589

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

**MAILED
AUG 25 2011
OFFICE OF PETITIONS**

In re Application of :
Jim Wells et al. :
Application No. 12/571,629 : **DECISION ON PETITION**
Filed: October 1, 2009 :
Attorney Docket No. 2004345-0238 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 2, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment was December 3, 2010. A Notice of Abandonment was mailed on May 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the election is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1636 for appropriate action by the Examiner in the normal course of business on the reply received August 11, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 03/23/12

Patent No. : 7900975 B2
Ser. No. : 12/571,642
Inventor(s) : Nakamura , et al.
Issued : March 8, 2011
Title : **THREADED JOINT FOR STEEL PIPES**
Docket No. : 12014-0088

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (see *Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

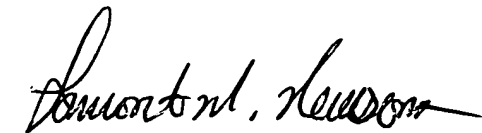
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

CLARK & BRODY
1700 Diagonal Road, Suite 510
Alexandria VA 22314

LMN



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Tyco Healthcare Group LP
d/b/a Covidien
555 Long Wharf Drive
Mail Stop 8-N1, Legal Department
New Haven CT 06511

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of
Beardsley et al.
Application No. 12/571,659
Filed: October 1, 2009
Attorney Docket No. H-US-01883CIP(203-
6611CIP

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:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
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This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in

the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. Petitioners have claimed priority to application nos. 60/843,254 and 11/851,495 neither of which have at least one common inventor with the inventive entity of the instant application.

In addition, the reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference application 60/843,254. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.


Further correspondence with respect to this matter should be addressed as follows:

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 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.


Christopher Bottorff
Supervisor
Office of Petitions



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d/b/a Covidien
555 Long Wharf Drive
Mail Stop 8-N1, Legal Department
New Haven CT 06511

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of :
Beardsley et al. :
Application No. 12/571,659 : DECISION ON PETITION
Filed: October 1, 2009 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. H-US-01883CIP(203- :
6611CIP :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(5)(i). In order for an application to claim the benefit of a prior-filed copending nonprovisional application, provisional or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of

35 U.S.C. 112. Petitioners have claimed priority to application nos. 60/843,254 and 11/851,495 neither of which have at least one common inventor with the inventive entity of the instant application.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and if appropriate a petition under 37 CFR 1.48.

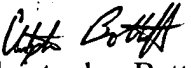
Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.


Christopher Bottorff
Supervisor
Office of Petitions



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d/b/a Covidien
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Mail Stop 8-N1, Legal Department
New Haven CT 06511

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AUG 01 2011

OFFICE OF PETITIONS

In re Application of
Beardsley et al.
Application No. 12/571,659
Filed: October 1, 2009
Attorney Docket No. H-US-01883CIP(203-
6694CIP

:
:
: DECISION ON PETITIONS
: UNDER 37 CFR 1.78(a)(6) and 1.48
:
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This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed June 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application set forth in the concurrently filed amendment. This petition decision will also address the petition under 37 CFR 1.48, filed June 21, 2011.

The petition under 37 CFR 1.78 is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) and (3).

As to item (1), a reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an

application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

As to item (3), 37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

A review of the record shows that a duplicate petition fee was inadvertently charged. Accordingly, deposit account no. 21-0550 will be refunded the duplicate \$1410.

Petition Under 37 CFR 1.48

37 CFR 1.48 requires that an amendment to the named inventive entity be accompanied by:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (*see* § 3.73(b)).

The petition fails to meet requirement (3).

A review of the declaration shows that the signature block of William R. Mayfield contains non-initialed changes. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* MPEP 605.04(a). A newly executed declaration is required.


Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.


Christopher Bottorff
Petition Examiner
Office of Petitions



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New Haven CT 06511

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NOV 18 2011
OFFICE OF PETITIONS

In re Application of :
Beardsley et al. :
Application No. 12/571,659 : DECISION ON PETITIONS
Filed: October 1, 2009 : UNDER 37 CFR 1.78(a)(6) and 1.48
Attorney Docket No. H-US-01883CIP(203- :
6694CIP :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed October 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application set forth in the concurrently filed amendment. This petition decision will also address the renewed petition under 37 CFR 1.48.

The petition under 37 CFR 1.78(a)(6) is GRANTED.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being

construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

Petition Under 37 CFR 1.48

37 CFR 1.48 requires that an amendment to the named inventive entity be accompanied by:

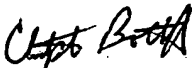
- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b)).

In view of the papers filed, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, failed to properly set forth the inventorship, and accordingly, the inventorship has been corrected in compliance with 37 CFR 1.48. The inventorship has been changed by the addition of: William Mayfield.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application and the corrected inventorship, accompanies this decision on petition.

This application is being referred to art unit 3721 for further processing.

Any questions concerning this matter may be directed to Charlema Grant at (571) 272-3215.


Christopher Bottorff
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/571,659	10/01/2009	3721	1532	H-US-01883CIP(203-6694CIP	26	3

CONFIRMATION NO. 2387

CORRECTED FILING RECEIPT



0C000000051000434

50855

Tyco Healthcare Group LP
d/b/a Covidien
555 Long Wharf Drive
Mail Stop 8-N1, Legal Department
New Haven, CT 06511

Date Mailed: 11/17/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

John W. Beardsley, Wallingford, CT;
Stanislaw Kostrzewski, Newtown, CT;
Frank C. Maffei, Shelton, CT;
Lee Ann Olson, Wallingford, CT;
Sachin Shah, Milford, CT;
William R Mayfield, Smyrna, GA;

Power of Attorney: The patent practitioners associated with Customer Number 50855

Domestic Priority data as claimed by applicant

This application is a CIP of 11/851,495 09/07/2007 ABN
which claims benefit of 60/843,254 09/08/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/15/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/571,659**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Dissection Tip And Introducer For Surgical Instrument

Preliminary Class

227

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAR 14 2011

OFFICE OF PETITIONS

**CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025**

In re Application of :
Foster et al. : DECISION REFUSING STATUS
Application No. 12/571,666 : UNDER 37 CFR 1.47(a)
Filed: October 1, 2009 :
Attorney Docket No. PA4880US :

This is in response to the petition under 37 CFR 1.47(a), filed August 25, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventors David Foster, Russ Bonsall and Jeff Caddel received a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventors were emailed a copy of the application. There is no evidence that the application was actually received by the inventors. If the joint inventors did not receive a copy of the application papers for this application, then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Unless petitioner can show that a copy of the application papers was presented and received by all of the joint inventors, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of**

the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. See MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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**LEWIS AND ROCA LLP
1663 HWY 395, SUITE 201
MINDEN NV 89423**

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SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Foster et al.	:	
Application No. 12/571,666	:	DECISION GRANTING STATUS
Filed: October 1, 2009	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. KRYT-001	:	

This is in response to the Request for Reconsideration of Petition under 37 CFR 1.47(a), filed April 19, 2011.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventors, Russ Bonsall and Jeff Caddel, have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioner is warned that although the instant petition has been granted, the application is currently still in abandoned status.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

This matter will be held in the Office of Petitions for consideration of the Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a), previously filed on August 25, 2010.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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www.uspto.gov

JEFF CADDEL
9541 S. 51ST STREET
PHOENIX, AZ 85044

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of
Foster et al.
Application No. 12/571,666
Filed: October 1, 2009
Attorney Docket No. KRYT-001

:
:
:
:
:

ON PETITION

Mr. Caddel,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RUSS BONSTALL
518 N. TERCERA AVENUE
CHANDLER, AZ 85226

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Foster et al. :
Application No. 12/571,666 :
Filed: October 1, 2009 :
Attorney Docket No. KRYT-001 :

ON PETITION

Mr. Bonsall,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
www.uspto.gov

LEWIS AND ROCA LLP
1663 HWY 395, SUITE 201
MINDEN NV 89423

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Foster et al. :
Application No. 12/571,666 : **ON PETITION**
Filed: October 1, 2009 :
Attorney Docket No. KRYT-001 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 25, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed October 19, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 20, 2009. A Notice of Abandonment was mailed on July 7, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner has not provided any explanation on how the delay in responding to the October 2009 Notice was unavoidable. Petitioner did concurrently file a Petition under 37 CFR 1.47 on August 25, 2010, which was initially dismissed on March 14, 2011. Petitioner has since filed a Request for Reconsideration of Petition under 37 CFR 1.47(a) on April 19, 2011; however, although the renewed petition has been granted, the instant application is still abandoned.

Petitioner submitted \$810.00 towards payment of the \$270.00 petition fee. Accordingly, \$540.00 will be credited to petitioner's deposit account in due course.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$810.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**LEWIS AND ROCA LLP
1663 HWY 395, SUITE 201
MINDEN NV 89423**

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Application of
Foster, David
Application No. 12/571,666
Filed: October 1, 2009
Attorney Docket No. KRYT-001

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3715 for examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/571,682	10/01/2009	Kazuyo UMEZAWA	SUTOSH.478AUS	2439

20995	7590	02/01/2011
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
HIGGINS, GERARD T	

ART UNIT	PAPER NUMBER
1785	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

January 31, 2011

In re application of	:	DECISION ON REQUEST TO
Kazuyo Umezawa et al	:	PARTICIPATE IN PATENT
Serial No. 12/571,682	:	PROSECUTION HIGHWAY
Filed: October 1, 2009	:	PROGRAM AND
For: STAMPER AND STAMPER	:	PETITION TO MAKE SPECIAL
EVALUATION METHOD	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed November 16, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

MAILED
MAR 16 2012

In re Application of :
Kristian Glejbol et al :
Application No. 12/571,721 : DECISION GRANTING PETITION
Filed: October 1, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 7201.214-US :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 15, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 28, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3767 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Sunstein Kann Murphy &
Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of :
Lee et al. : DECISION ACCORDING STATUS
Application No. 12/571,748 : UNDER 37 C.F.R. § 1.47(a)
Filed: October 1, 2009 :
Attorney Docket No. 2550/C43 :

This is a decision on the Petition Under 37 C.F.R. § 1.47(a)
filed May 3, 2010.

The petition is GRANTED.

The above-identified application was filed on October 1, 2009, with an unexecuted declaration. On October 15, 2009, the Office mailed a "Notice to File Missing Parts of Application," requiring, *inter alia*, the missing declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the missing declaration, late surcharge and the instant petition (and the missing filing fees, replacement drawings, and additional claim fees). To make this response timely, applicants submitted an extension of time within the fifth month. The petition includes a declaration executed by inventor Lee on behalf of himself and on behalf of non-signing inventor Williams. Applicants assert that status under 1.47(a) is proper because joint inventor Williams refuses to join in the application. By statement of facts of patent attorney John Stickevers, with supporting documentary evidence, applicants have shown that by his conduct, in not responding to the application papers presented by mail and email, inventor Williams has refused to join in the application. (It is noted that on December 14, 2009, the inventor acknowledged receipt, stating that he would fax back the declaration, however, he did

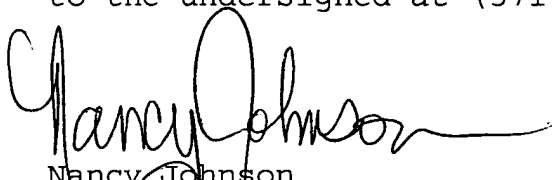
not. Given this clear acknowledgment of receipt, weight can be given to the email communications with respect to there being an inference that inventor Williams refused to join in the application by virtue of his conduct).

The declaration filed May 3, 2010, has been reviewed and found in compliance with § 1.63. The petition includes payment of the petition fee of \$200 and a statement of the last known address of inventor Williams.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MR. JON AUSTEN WILLIAMS
50 Massachusetts Avenue
Cambridge MA 02139

MAILED
OCT 21 2010
OFFICE OF PETITIONS

In re Application of :
James Lee and Jon Williams : LETTER
Application No. 12/571,748 :
Filed: October 1, 2009 :
Attorney Docket No. 2550/C43 :

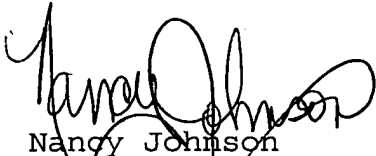
Dear Mr. Williams:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Sunstein Kann Murphy &
Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Raj Vaswani et al.)	Group Art Unit: 3623
)	
Application No.: 12/571,803)	Examiner: Unassigned
)	
Filed: October 1, 2009)	Confirmation No.: 2668
)	
For: METHOD AND SYSTEM OF)	
APPLYING ENVIRONMENTAL)	
INCENTIVES)	

**SUPPLEMENTAL
STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY IN THE GREEN TECHNOLOGY
PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Statement of Special Status filed May 19, 2010, and in response to the Decision on Petition dated July 1, 2010, the following information is provided to further explain how the claimed subject matter materially contributes to the more efficient utilization and conservation of energy resources.

Independent claim 47 recites a method that includes, among other steps, calculating a value related to carbon credits, that is based upon electrical energy usage information and a usage interval, displaying an indication of the calculated value at the site where the energy is being used, and controlling the operation of at least one electricity-consuming device at the site, based upon the calculated value. This claimed feature of the invention is described, for example, in paragraph [0103] of the specification, which begins on page 34. As described therein, the carbon credit information can be used to automatically control various devices to result in more energy-efficient operations. For example, if an account balance for carbon credits falls below a threshold level, a command can be sent to certain appliances to cause them to reduce their rate of energy consumption. For instance, the temperature of a refrigerator or freezer can be raised a few degrees, or a thermostat can be set to a lower temperature in winter, without waiting for the consumer to take any action. If the account

balance continues to fall below a second, lower threshold, the refrigerator and/or freezer can be cycled on and off periodically, to further reduce demand for electrical energy.

It is respectfully submitted that this claimed aspect of the invention, as recited in independent claim 47 and the claims that depend therefrom, materially contributes to the more efficient utilization and conservation of electrical energy, and thereby meets the standard for participation in the green technology pilot program.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 2, 2010

By: /James A. LaBarre/
James A. LaBarre
Registration No. 28632

Customer No. 95240
703 836 6620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Raj Vaswani et al.)	Group Art Unit: 3623
)	
Application No.: 12/571,803)	Examiner: Unassigned
)	
Filed: October 1, 2009)	Confirmation No.: 2668
)	
For: METHOD AND SYSTEM OF)	
APPLYING ENVIRONMENTAL)	
INCENTIVES)	

**REQUEST FOR RECONSIDERATION
OF DECISION ON PETITION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' Petition to Make Special Under the Green Technology Pilot Program, filed May 19, 2010, was dismissed in a Decision on Petition dated July 1, 2010. Applicants' respectfully request reconsideration of that Decision, in view of the following remarks and the Supplemental Statement of Special Status for Eligibility in the Green Technology Pilot Program and the Second Preliminary Amendment being submitted herewith.

The Statement of Special Status for Eligibility in the Green Technology Pilot Program, filed May 19, 2010, pointed out that the claimed subject matter pertains to the calculation of carbon credits associated with the usage of electrical energy at a site, and display of a value related to the calculation, at the site. The statement further noted that such calculation and display enables the consumer to recognize the impact of energy usage, and take appropriate action to reduce consumption. In the Decision dated July 1, 2010, this statement was deemed to be insufficient, as follows:

[T]he materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to energy conservation. The calculation and display of carbon credit usage is merely informational and it is considered speculation that such would inherently result in energy conservation.

(Decision on Petition, dated July 1, 2010, page 2).

As pointed out in greater detail in the accompanying Supplemental Statement of Special Status, some of the currently pending claims further recite the step of effecting a control of a device on the basis of the calculated carbon credit usage. Specifically, claim 47 recites the step of "controlling the operation of at least one electricity-consuming device at said site, based upon said calculated value." Claims 49-52 recite specific embodiments of the claimed controlling step, in which the device is selectively deactivated based upon the relationship of the calculated value to a predetermined value. Such control of devices, particularly the selective deactivation of the devices, constitutes a positively recited, active form of energy conservation. Thus, these claims lie outside the realm of speculation as to how an individual consumer might react to the display of carbon credit usage information.

While not believed to be necessary to meet the materiality standard, claim 47 is being amended in the concurrently filed Second Preliminary Amendment, to explicitly recite that the control is performed "automatically", and thereby avoid any possible interpretation that the control is being performed manually by a consumer, in response to the display of the indication of the calculated value.

In the event that claims 47-57 are considered to be directed to an invention that is separately patentable from the subject matter of claims 38-46, and thereby subject to a restriction requirement, applicant agrees to elect the subject matter of claims 47-57 and cancel claims 38-46, so that all claims pending in the application meet the materiality requirement, as interpreted in the Decision dated July 1, 2010.

Reconsideration and withdrawal of the Decision dismissing Applicants' Petition, and granting the present application special status under the green technology pilot program, is hereby respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 2, 2010

By: /James A. LaBarre/
James A. LaBarre
Registration No. 28632

Customer No. 95240
703 836 6620



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 14 2010

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Raj VASWANI et al.	:	DECISION ON PETITION
Application No. 12/571,803	:	TO MAKE SPECIAL UNDER
Filed: October 01, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0075388-000001.001	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102(c)(2), filed August 02, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A-grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3689 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600



UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCK
126 East Lincoln Ave
RY60-30
Rahway NJ 07065

MAILED

JUL 29 2011

OFFICE OF PETITIONS

In re Application of :
STAMFORD et al. :
Application No. 12/571,840 : DECISION ON APPLICATION
Filed: October 1, 2009 : FOR
Atty Docket No. CN06210US02 : PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed July 14, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from sixty-one (61) days to eight (8) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PALM and PAIR screens to reflect that the corrected Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is eight (8) days. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

A review of the application history confirms that applicants' characterization of the basis for and amounts of the adjustments and reductions of patent term in this application at the time of the mailing of the notice of allowance are correct.

In view thereof, the corrected determination of patent term adjustment at the time of the mailing of the Notice of Allowance is eight (8) days.

The Office acknowledges the payment of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

12/571,840

MACROCYCLIC BETA-SECRETASE INHIBITORS

CN06210US02

07-29-
2011::13:13:56**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 12/571,840

Filing or 371(c) Date:	10-01-2009	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	61
A Delays:	61	PTO Manual Adjustments:	-53
B Delays:	0	Applicant Delays:	0
C Delays:	0	Total PTA Adjustments:	8

Patent Term Adjustment History**Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
50	07-29-2011	Adjustment of PTA Calculation by PTO		53	0
39	04-14-2011	Mail Notice of Allowance			0
38	04-06-2011	Office Action Review			0
37	04-06-2011	Office Action Review			0
36	04-06-2011	Office Action Review			0
35	04-06-2011	Office Action Review			0
34	04-12-2011	Issue Revision Completed			0
33	04-12-2011	Document Verification			0
32	04-12-2011	Examiner's Amendment Communication			0
31	04-11-2011	Notice of Allowance Data Verification Completed			0
30	04-06-2011	Reasons for Allowance			0
29	04-06-2011	Examiner's Amendment Communication			0
28	04-06-2011	Examiner Interview Summary Record (PTOL - 413)			0
27	04-06-2011	Allowability Notice			0
24	04-01-2011	Case Docketed to Examiner in GAU			0
23	03-22-2011	Date Forwarded to Examiner			0
22	03-22-2011	Response to Election / Restriction Filed			0
21	03-22-2011	Request for Extension of Time - Granted			0

20	01-31-2011	Mail Restriction Requirement	61	0.5
19	01-29-2011	Restriction/Election Requirement		0
18	10-01-2009	Information Disclosure Statement considered		0
17	08-04-2010	Case Docketed to Examiner in GAU		0
16	10-01-2009	Preliminary Amendment		0
15	10-01-2009	Reference capture on IDS		0
14	10-01-2009	Information Disclosure Statement (IDS) Filed		0
13	07-15-2010	PG-Pub Issue Notification		0
12	04-05-2010	Application Dispatched from OIPE		0
11	04-05-2010	Filing Receipt - Updated		0
10	02-23-2010	Additional Application Filing Fees		0
9	02-23-2010	Applicant has submitted a new specification to correct Corrected Papers problems		0
8	10-29-2009	Change in Power of Attorney (May Include Associate POA)		0
7	10-29-2009	Filing Receipt		0
6	10-29-2009	Corrected Paper		0
5	10-16-2009	Cleared by L&R (LARS)		0
4	10-03-2009	Referred to Level 2 (LARS) by OIPE CSR		0
3	10-01-2009	Information Disclosure Statement (IDS) Filed		0
2	10-01-2009	IFW Scan & PACR Auto Security Review		0
1	10-01-2009	Initial Exam Team nn		0
0.5	10-01-2009	Filing date		0

Close Window



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Date Mailed : October 6, 2010
Serial No. : 12/571874
Patent No. : 7,717,830 B1
Patent Issued : May 18, 2010
Inventor(s) : Andrew-Bud Charniga, et al.
Title : EXERCISE DEVICE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

A petition under C.F.R. 1.182 is required to correct the alleged errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names in correct order, be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rule 1.323 (required fee currently \$100), unless a petition is granted.

In view of the foregoing, your request is hereby denied.

However, a petition under 37 CFR 1.182 (required fee currently \$130) should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By Fax: (571) 273-0025
Attn.: Office of Petitions

Magdalene Talley
For Mary Francis Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571)272-0423
Fax 571-270-9942

Michael N. Spink
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

MD/mt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 11,2011

In re Application of :

Hajime SAKAMOTO

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12572000

Filed : 01-Oct-2009

Attorney Docket No : 346152US40DIV

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 11,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3729 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12572000	
Filing Date	01-Oct-2009	
First Named Inventor	Hajime SAKAMOTO	
Art Unit	3729	
Examiner Name	THIEM PHAN	
Attorney Docket Number	346152US40DIV	
Title	METHOD FOR MANUFACTURING MULTILAYER PRINTED CIRCUIT BOARD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Akihiro Yamazaki/
Name	Akihiro Yamazaki
Registration Number	46155



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/572,009	10/01/2009	Jimmie D. Gore	CAJUN-16586	3057

7590 09/06/2011
Peter G. Carroll
MEDLEN & CARROLL, LLP
Suite 350
101 Howard Street
San Francisco, CA 94105

EXAMINER

PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
3711	

MAIL DATE	DELIVERY MODE
09/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 08292011

Peter G Carroll
Medlen & Carroll
101 Howard Street, Ste 350
San Francisco, CA 94105

In re Application of:)	
Jimmie D Gore)	
Application No. 12/572009)	
Filed: October 01, 2009)	DECISION ON PETITION UNDER 37
For: METHODS AND DEVICES FOR A)	C.F.R. § 1.84(a)(2) TO ACCEPT
GAME OF CHANCE)	COLOR DRAWINGS
)	
)	
)	

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed October 26, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 1, 2, 3, 4, 5c be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and 3 (three) sets of color drawings of figures 1, 2, 3, 4, 5c. However, the petition did not contain the description of the drawings as described above.

The petition is **Denied**.

Application/Control Number: 12/572,009

Page 2

Art Unit: 3711

The application file is being forwarded to Central files to await examination based upon its filing date.

/Gene Kim/
Supervisory Patent Examiner, Art Unit 3711



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HICKMAN PALERMO TRUONG & BECKER, LLP
ONE ALMADEN BOULEVARD
FLOOR TWELVE
SAN JOSE CA 95113

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
Smith et al. : DECISION ON
Application No. 12/572,032 : PETITION PURSUANT TO
Filed: October 1, 2009 : 37 C.F.R. § 1.182
Attorney Docket No. 60097-0621 :
Title: IN-BAND DATA RECOGNITION AND :
SYNCHRONIZATION SYSTEM :

This is in response to the petition pursuant to 37 C.F.R. § 1.182, requesting the withdrawal of a terminal disclaimer, filed on December 30, 2011.

This petition is **DISMISSED**.

On September 6, 2011, Petitioner submitted a terminal disclaimer pertaining to patent number 7,873,982.

On September 30, 2011, the Office mailed a notice of allowance and issue fee due.

On December 30, 2011, Petitioner submitted, *inter alia*, the issue fee, the publication fee, and this petition.

The \$400 petition fee will be charged to Deposit Account No. 50-1302 in due course, as authorized in this petition.

With this petition, Petitioner has asserted that the terminal disclaimer "was submitted in error as U.S. Patent No. 7,873,982 does not describe the claims as allowed for the referenced application."

MPEP § 1490(VII)(A) sets forth, *in toto*:

VII. WITHDRAWING A RECORDED TERMINAL DISCLAIMER
If timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a

patent, or in a reexamination proceeding, before the reexamination certificate issues. After a patent or reexamination certificate issues, it is unlikely that a recorded terminal disclaimer will be nullified.

A. Before Issuance Of Patent

While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "un-happy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. *>Because< the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).

Under appropriate circumstances, consistent with the orderly administration of the examination process, the nullification of a recorded terminal disclaimer may be addressed by filing a petition under 37 CFR 1.182 requesting withdrawal of the recorded terminal disclaimer. Petitions seeking to reopen the question of the propriety of the double patenting rejection that prompted the filing of the terminal disclaimer have not been favorably considered. The filing of a continuing application other than a CPA, while abandoning the application in which the terminal disclaimer has been filed, will typically nullify the effect of a terminal disclaimer (emphasis added). The filing of a Request for Continued Examination (RCE) of an application under 37 CFR 1.114 will not nullify the effect of a terminal disclaimer, *>because< a new application has not been filed, but rather prosecution has been continued in the existing application.

Petitioner seeks to reopen the question as to whether Patent No. 7,873,982 should have prompted the filing of a terminal disclaimer. This request is dismissed.

Petitioner will note that should he elect to file a continuing application while abandoning the present application, time is of the essence due to the fact that the issue and publication fees have been submitted to the Office.

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin TX 78701

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of :
Carsten Krischker, et al. :
Application No. 12/572,051 : **DECISION ON PETITION**
Filed: October 1, 2009 :
Attorney Docket No. 03869.117009 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed October 19, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 20, 2009. The Notice of Abandonment was mailed June 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawing of Fig. 3, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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INTRAPACE & TOWNSEND & TOWNSEND & CREW LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

SEP 01 2011

OFFICE OF PETITIONS

In re Application of
Mir A. Imran
Application No. 12/572,067
Filed: October 1, 2009
Attorney Docket No.: 90775-801901

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed April 1, 2011. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 8, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 8, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 9, 2011. A Notice of Abandonment was subsequently mailed on March 24, 2011. On April 1, 2011, the present petition was filed.

It is noted that the address given on the petition slightly differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$755 issue fee and \$300 publication fee; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: BRAD J. LOOS
KILPATRICK TOWNSEND AND STOCKTON, LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834



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SYNTA PHARMACEUTICALS CORP.
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

FEB 10 2011

OFFICE OF PETITIONS

Applicants: Bohnert, et al.
Appl. No.: 12/572,079
Filing Date: October 1, 2009
Title: COMPOUNDS FOR INFLAMMATION AND IMMUNE-RELATED USES
Attorney Docket: S1581.70003US01
Pub. No.: US 2010/0125080 A1
Pub. Date: May 20, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 14, 2010, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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SYNTA PHARMACEUTICALS CORP.
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

APR 05 2011

OFFICE OF PETITIONS

Applicant: Chen, et al.
Appl. No.: 12/572,103
Filing Date: October 1, 2009
Title: COMPOUNDS FOR INFLAMMATION AND IMMUNE-RELATED
Attorney Docket No.: S1581.70005US01
Pub. No.: US 2010/0130510 A1
Pub. Date: May 27, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 16, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/572,143	10/01/2009	Charles W. ROBERTSON JR.	4060US1/NAT	3317
44064	7590	02/06/2012		
THERMO FINNIGAN LLC 355 RIVER OAKS PARKWAY SAN JOSE, CA 95134			EXAMINER MERLINO, AMANDA H	
			ART UNIT 2877	PAPER NUMBER
			NOTIFICATION DATE 02/06/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ussjo.ip@thermofisher.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THERMO FINNIGAN LLC
355 RIVER OAKS PARKWAY
SAN JOSE CA 95134

In re Application of:	:	
Robertson ET AL.	:	PETITION FOR CORRECTION OF
Serial No.: 12/572,143	:	INVENTORSHIP
Filed: October 1, 2009	:	UNDER 37 CFR § 1.48(a)
Attorney Docket No.: 4060US1/NAT	:	

This is a decision on the petition filed April 15, 2010 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed April 15, 2010 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by adding the name:

Jonathan PUNDT

The application will be forwarded to the Office of Data Management (ODM) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Gregory J. Toatley, Jr/
Supervisory Patent Examiner,
Art Unit 2877



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BULLIVANT HOUSER BAILEY PC
888 SW 5TH AVENUE, STE. 300
PORTLAND, OR 97204

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Blomberg et al.	:	DECISION ON PETITION
Application No. 12/572,176	:	TO WITHDRAW
Filed: October 1, 2009	:	FROM RECORD
Attorney Docket No. 30501	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 21, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. The request was signed by Diane J. Mason.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. If no address is provided, it will remain unchanged.

Since the current request does not properly withdraw the appointed practitioners and does not set forth all of the certifications, specifically item (2), I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled, under 37 CFR 10.40 (c), the request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed and make all of the certifications under 37 CFR 10.40 (c).

There are no outstanding Office actions that require a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A handwritten signature in black ink, appearing to read "A. Kelley-Collier", with a stylized flourish at the end.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: DIANE J. MASON
44 MONTGOMERY STREET, EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94194



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BULLIVANT HOUSER BAILEY PC
888 SW 5TH AVENUE
STE. 300
PORTLAND OR 97204

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of	:	
Blomberg et al.	:	DECISION ON PETITION
Application No. 12/572,176	:	TO WITHDRAW
Filed: October 1, 2009	:	FROM RECORD
Attorney Docket No. 30501	:	

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2012.

The request is **NOT APPROVED**.

Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and**
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner still has not complied with all of the above certifications. Specifically, petitioner has not complied with item (2), as highlighted above.

Further, there is an outstanding Office action mailed November 28, 2011 that requires a reply

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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MAR 27 2012

OFFICE OF PETITIONS

In re Application of	:	
Blomberg et al.	:	
Application No. 12/572,176	:	DECISION ON PETITION
Filed: October 1, 2009	:	TO WITHDRAW
Attorney Docket No. 30501	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Diane Mason on behalf of all attorneys/agents of record who are associated with Customer Number 70130. All attorneys/agents associated with Customer Number 70130 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed November 28, 2011 which requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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CUPERTINO CA 95014

MAILED

MAR 25 2011

In re Application of	:	OFFICE OF PETITIONS
Chang-Hun Lee et al	:	
Application No. 12/572,231	:	DECISION GRANTING PETITION
Filed: October 1, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PANK01468-IC US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 24, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2871 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.